

SIXTH ANNUAL REPORT

OF THE

Citizens' Municipal Association
of Philadelphia.

WITH LIST OF MEMBERS, OFFICERS, AND COMMITTEES.

1892.

Organized April 20, 1886.
Incorporated April 30, 1887.

ROOMS OF THE ASSOCIATION,
N.W. COR. THIRTEENTH AND ARCH STS.

C O N T E N T S.

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REPORT OF THE EXECUTIVE COMMITTEE
OF THE
**CITIZENS' MUNICIPAL ASSOCIATION
OF PHILADELPHIA,**
FOR THE YEAR ENDING APRIL 30, 1892.

TO THE MEMBERS OF THE CITIZENS'
MUNICIPAL ASSOCIATION OF PHILADELPHIA.

GENTLEMEN: The Sixth Annual Report of your Association covers a year which will be memorable in the annals of Philadelphia. At its commencement the gigantic peculation of John Bardsley, then City Treasurer, was, at the instance of your Committee, being dragged to the surface, exposing a mass of corruption with roots leading in obvious directions, but too deep and strong to yield to the power of the legislative branch of our city government as then constituted. Bardsley's resignation three weeks later, his arrest, indictment, plea of guilty, sentence to fifteen years' imprisonment at hard labor, and his subsequent refusal to testify against the authors or abettors of his crimes, form a chapter of municipal history which must affect honest citizens with shame at such a possibility of popular government, with exultation at the rare spectacle of law vindicated upon a prominent criminal, and with anger when they realize that they are unable to secure a knowledge of their own affairs. The thanks of the whole people are due to those members of the Investigating Committee who labored so long and faithfully, against almost insuperable opposition, to effect a complete

disclosure of this far-reaching villainy. The removal of the Mercantile Appraisers from an office long known for its unsavory traditions was another partial victory of honest government. The determined opposition of Mayor Stuart to any increase in overhead electric wires, and its immediate effect in reversing the vote of Select Council upon the Northern Electric Light Company's Ordinance, decided in favor of the City a grave crisis in its affairs, and established a policy and precedent of great subsequent value. This year also witnessed the final declaration of the Supreme Court of Pennsylvania, in a test case, that passenger railways are bound to repave and repair streets occupied by them from curb to curb with improved pavements. We also have been furnished by the Traction Company with an object lesson in government by corporations, so flagrant that it has worked its own defeat by arousing a dormant public to free itself from a tyranny none the less real because exercised by its own citizens banded for plunder. In these matters, as well as in many others to be hereafter detailed, your Committee has faithfully endeavored to fulfil the arduous and important trust you have confided to it.

It is cheering to pass from this outline of fluctuating or dubious successes of municipal self-government to a subject of unmixed congratulation. Judged by its deeds, the Administration earnestly desires the welfare of the City, and it has therefore received the hearty support pledged to it at the last Annual Meeting of the Association. No trace of antagonism, such as characterized the previous Administration, can be found in the attitude of Mayor Stuart and his Directors toward a body of citizens devoting time and thought toward rendering their efforts more effective. Even in so delicate and painful a matter as the recommended removal of his first appointee to the Directorship of Public Safety, the Mayor listened attentively to the statements of your Committee and acted upon the facts. The present Director, Abraham M. Beitler, Esq., has given practical proof of his expressed desire to enforce the law, and his quick grasp of vast and compli-

cated affairs, and his decisive blows dealt to vice, to wilful or to careless neglect of our municipal laws, cannot be too highly commended even in the face of harsh criticism. In his selection of the Director of Public Works Mayor Stuart has been equally sagacious. A position of such enormous responsibility requires great executive ability, guided by the earnest purpose to guard the people's material interests. Director Windrim's efforts have been occasionally frustrated by subordinates not in harmony with his own high views of public office, and in the removal of incompetent or unfaithful servants he has had and will have the full support of your Committee. He has shown a marked determination to make contractors abide by their contracts or suffer the consequences.

Thanks are due to the newspapers of Philadelphia for their hearty sympathy with the objects of your Association, and for their intelligent service in spreading before the public an account of the efforts made in its behalf.

In spite of the curse of politics in municipal affairs, enterprise is a characteristic of the Philadelphia of to-day as compared with herself a decade ago. It would be more instructive, however, to compare her present position with that which she would have occupied if the Councils had been always vigilant and true to her interests. Had we any means of instituting such a comparison we should be appalled at the denial of much that makes civic life best worth living. We have striven for these things, but our efforts have been largely frustrated by those whom we have elected for the sworn purpose of aiding us. Our gains, while small compared to what they should be, are nevertheless substantial. We are drawing close to the era of equal railroad competition and of unhampered freight facilities, our harbor is being unbarred for the largest ships, and methods are in active preparation to stimulate import and export transfers; our foreign weekly steamship service has doubled in a year, our shipments of cereals have more than doubled; the largest modern wharves are under contract; our weekly bank clearings have greatly increased; the Bourse

will soon enable our manufacturers and merchants to deal directly and expeditiously with customers; our hotels are increasing and adequate accommodations for the future are assured; improved and artistic architecture is transforming the city and securing for it a position of esteem in the opinion of those who realize the substantial advantage of attractiveness (for which America pays to Europe \$100,000,000 annually); we shall not rest content with any but the best system of surface transit; great and wise benefactions to the public are not only effecting their own purposes but stimulating the habit of giving and the sense of the obligations and opportunities of wealth. Of all the encouraging signs of the times, however, possibly the most significant is the promptitude of the people to rise in their might and to declare their will. This is well exhibited by the unanimous opposition to the overhead Trolley system, and it is likewise shown by the number of organizations now existing for the education of the people as to their rights and powers, for the prevention of abuses, and for the wise and economical administration of municipal business.

Strenuous efforts are being made by various departments of the City government to enforce the rights of the people. It now rests solely with Councils to empower the Director of Public Works to pole off the streets used by passenger railways delinquent in their obligations as declared by the Supreme Court. The movement to abolish surface drainage cannot be too highly commended. The filthy streams crossing our pavements and trickling along the gutters are not only an eyesore intolerable to those who value the neatness of their surroundings, but in warm weather they are a constant breeding-place of disease. In winter the sheets of foul ice render the sidewalks and streets a frequent menace to pedestrians and horses. The Mayor has placed upon Councils the responsibility of refusing to provide for a municipal electric lighting plant, an investment which would have saved \$250,000 in the past two years. The Electrical Bureau has proved the practicability of underground conduits for all classes of wires, thereby establishing the duty of the City to require

the abolition of the dangerous nuisance of overhead wires. This pressing evil lately received pointed emphasis from the fire at Eighth and Sansom streets. The City Solicitor is considering the question of securing from delinquent passenger railways the amounts legally due in return for sums expended by the City for repaving neglected streets occupied by them. Some of these companies have already paid, while others are still hoping to evade the decision of our highest tribunal. The totals still due reach \$395,460.08, to which costs and interest for nearly three years are to be added. The City Solicitor has also brought suits aggregating \$98,673 against fifteen telegraph, telephone, and electric light companies for defaulted pole licenses.

That the enlarged and well-defined responsibilities thrown by the Bullitt bill upon the executive branch of the City government have been appreciated by the present officials is made clear by their attacking the important and difficult subjects above mentioned. There are many other matters intimately connected with the comfort and well-being of our citizens which should simultaneously receive attention. A most valuable and inexpensive improvement could be made in Belgian block pavements by requiring the blocks to be laid diagonally with the line of the streets. The point thus gained is the abolition of interstices into which wheels can fall, since the wheel is fully supported by the face of each stone until it reaches the face of the next. With undiminished foothold for horses a practically smooth surface for wheels is produced, increasing the life of pavement, vehicles, and horses, and also increasing the ease and therefore decreasing the cost of transportation. Paving, whether asphalt or stone, should be laid on a base of hydraulic concrete. Belgian blocks should be caulked with pitch and pebble joints. Streets thus surfaced would not generate filth, and would be susceptible of more easy and thorough sweeping. The aggregate preventable injury to health, property and merchandise caused by dust must be enormous. With more carefully laid pavements, the high and dangerous slant from centre to curb

could be materially reduced. Ashes are still largely used in repaving, and salt is used by the railways on their tracks in winter, both practices being prohibited by law. Vast numbers of crossing-stones have been surreptitiously removed, especially at curves in railway tracks, and the manifest advantage to the railway companies arising from the substitution of a rough crossing for one which is smooth, points to them as the authors of this additional annoyance inflicted upon the people. It is furthermore to their profit to make walking or driving as disagreeable as possible. Every encroachment should be vigilantly resisted. The rapid wear of our crossing-stones suggests the employment of a tougher rock for this purpose. If their edges were cut at a blunt angle instead of at right-angles their life would be greatly prolonged by the resulting protection of their edges from the action of wheels. It is still an open question whether asphalt is a real improvement upon well-laid stone pavements. Its neatness, cleanliness and silence are obvious claims for favor, but the treacherous foothold it affords for horses, especially when it is wet, frosty or not thoroughly clean, renders obligatory a mature consideration of the subject. Moreover, the inferior quality of asphalt hitherto laid in this City becomes so soft in summer that heavy vehicles are in danger of being cemented in transit. A wagon remaining long in one spot will sink through the asphalt to the substratum of concrete.

The number of burglaries and street-assaults with intent to rob have lately increased. Participation in polities by policemen and firemen still exists to some extent in contravention of the declared policy of the present Executive. Vehicles are still permitted to crowd in our streets to the manifest danger of pedestrians.

A few recommendations are quoted from our last annual report, since they are unfortunately still expressive of our needs.

The signs bearing street names are comparatively scarce.

House numbers are often absent, often illegible by day even if present, and in the majority of cases totally invisible by night.

Push-carts are allowed at all hours to drive pedestrians from the sidewalks of all except one or two streets. Were these carts compelled to take their proper place, *i.e.*, the streets, there would be more comfort for the largest class of our people, namely, pedestrians, and every business house using this form of transportation would hasten to swell the demand for improved street paving.

Our sidewalks are still obstructed with merchandise, advertisements, packing-boxes, coal-bins, old material, and all sorts of things which have no right to be there.

Our householders are still so badly educated as to regard the streets as fit dumping-ground. A few arrests and fines with due publicity would end this, and would show how easily the police could add to the neatness and healthfulness of the city.

Fruit-peelings still lie on the sidewalk in wait for the pedestrian. The police could easily remedy this also.

Door-steps are still allowed to make an absurd inroad into the effective width of our sidewalks, already too narrow.

Except on a few main streets, the sidewalks are in many places in a wretched or even dangerous condition. The Director of Public Works has power to relay sidewalks and to lien the property for more than the cost.

The maximum slant of sidewalks is unnecessarily great and promotive of accidents in slippery weather.

Our curbing rapidly falls out of position. Washington founds curbs on concrete. We should do likewise.

Steam-users should be compelled to exhaust into condensers, a constant rainfall of condensation being disagreeable at all times and dangerous in winter.

Users of bituminous coal should be compelled to burn their smoke.

Garbage and sewer-gas should be burned. Crematories at various points would not only destroy poisonous decaying material, but would furnish chimneys to draw sewer-gas through their fires, thus lessening the danger of entrance of sewer-gas into our houses. Additional combustion of sewer-gas could be secured by arrangement with owners of steam plants.

Sewer ventilation on our sidewalks and in our streets and squares should be instantly abandoned in any event.

No adequate care is given by the City to macadamized roads in our suburban districts. The policy of economizing by such moderate outlay does not seem to be yet established. One of our Sub-Commissioners of Highways expressed the City's policy in a letter to a member of this Association in these words : "There is no money except for such roads as are in a dangerous condition." The fact is that our roads generally get far past the danger line before they receive attention.

All building operations should be carried on inside the building lines, as in Paris and London. By permitting such operations in the street we obstruct travel and business, and greatly add to the untidiness of our streets and houses. When builders have once accommodated themselves to the system of construction from within it is as easy and practicable as the other. At present, therefore, our streets and sidewalks are needlessly obstructed.

A vast amount of most important work still awaits, and will await, a body of capable and faithful Councilmen to be elected by the people solely for their own interest and not for the profit of corporations. It is humiliating to confess that municipal government in Europe has, by strict adherence to business principles, reached a stage of perfection contrasted with which our results are barbaric. No private business could survive the application of our municipal methods, and public business so conducted must be a mockery of its own possibilities. In Europe municipal franchises are recognized as public assets to be let out to the highest bidder, under careful restrictions and only for a limited term. This principle ought to be fundamentally embodied in our civic policy, and we are glad to observe a strong recommendation on this point in the presentment of the April Grand Jury.—We need an adequate supply of pure water, a comprehensive system of modern sewers, and in connection with them ample conduit space for electrical wires, for pipes for gas, water, steam, cold air and compressed air, for pneumatic tubes, with a generous additional allowance of space for other conveniences of city

life certain to be devised by the inventive genius of our people. Small individual conduits already pay large profits to companies which have received valuable franchises gratis, and *a fortiori* large conduits accommodating many different civic conveniences would not only pay the city a large revenue, but would render it possible to lay pavements of an excellency unattainable during the era of constant digging. Just as the City is sole owner of the right to supply gas and water, so also should it be the sole owner of the right to supply electric light, heat and power, preferably making the current, but if advisable purchasing it from private and competing companies for delivery at proper points into the city's main wires. The excellency, cheapness and reliability of light thus furnished would insure its universal adoption, and the universal dissemination of cheap power in large or small quantities would work a vast and beneficial change in our industries. The gas-mains disused for the illuminant would become available for the conveyance of fuel-gas, giving the people heat at a figure far lower than they now enjoy, not alone because it can be made from waste coal, but because it would be coöperatively purchased at wholesale, and because its consumption, unlike that of coal, could be instantly stopped when its duty had been performed. The aggregate saving to the community in the single item of cartage of coal and ashes would be enormous, and the annoyance and damage now produced by the dust from ashes would be entirely obviated.

Furthermore, we need a largely-increased force of inspectors of food stuffs, especially of meats and milk. At present meats condemned by the inspectors for foreign governments are actually sold for consumption by our own people. The inspection of milk should not stop short of examining the sanitary condition of the dairies. For double reasons of sanitation we should compel the removal of the intestines from all poultry before permitting its entrance to the city. We now stand alone in submitting to the charge of as much for filth as we do for the meat it contaminates. We acknowledge the need of disinfection, but make a farce of our wisdom by appointing only one man to do the work for a great city.

Burial grounds should at least be removed from near our water supply and indeed beyond the limits of our county. Their space would afford a number of small parks in various localities, a much needed sanitary improvement otherwise unattainable. Public baths should be open in winter as well as in summer, and should be so numerous, so cheap, and so attractive as to promote personal cleanliness as a habit of the mass of our citizens.

A leading characteristic of our time is the aggregation and centralization of vast enterprises. Combining primarily for selfish ends, these organizations require protection from popular attack, and they neglect no means which will secure this condition of their continuance. Compactly marshalled, skilfully led, and provided with ample means for this vital purpose, they are still more than a match for the popular forces which are led by no strong common interest, which are scattered in pursuit of each man's livelihood, and misdirected by fatuous political dogmas. It is vain to expect a change before the prerequisites for a change are secured. The demon of politics must be cast out, and the voter must be educated to see that municipal business is intimately his own concern and not a matter for partisanship. Furthermore, the voter, restored to his right mind, must be provided with a system adapting itself to the faithful expression of his will, and not so cumbrous as to respond only to the will of the few who have elaborate machinery to move it. At present party is everything, the individual is nothing, and this reversal of the natural order gives rise to diseases in the body politic which associations of public-spirited citizens hope to cure, but can only palliate until the cancerous growth is plucked out root and branch. We are in an era of duplicate government, electing improper public servants, and forming ourselves into bodies which can watch and condemn, but not often correct their derelictions. May the time come soon when a system of true election will prevent this disease, its pains, its physie, its waste of time, money, effort and life.

THE BARDSLEY DEFALCATION.

On the sixth day of April, 1891, just prior to the last annual meeting, your Committee addressed a letter to Select and Common Councils requesting the appointment of a special committee to investigate the circumstances of the City's deposit in the Keystone National Bank and the other banks holding the City's funds. In making a previous inquiry into the City deposits in the various banks it had been observed by the committee that in the Keystone and Third National Banks the deposits were maintained at about the maximum allowed by law. These two banks were designated active banks in the ordinances relating to the question, and the maximum limit of deposits was made large—\$400,000 in each case—so that the City Treasurer could have an ample margin for his daily business, as it was upon these two *active* banks that the Treasurer's drafts were ordinarily drawn. It seemed very strange to your Committee that these particular deposits should be kept day after day at or near the maximum, when they were the ones in which the greatest fluctuations would naturally occur. While the Committee was engaged upon this subject a letter was presented to it affirming that if the relations of the City Treasury to certain banks were investigated grave irregularities would be unearthed. The letter was not signed, but was understood to come from an authoritative source. Though the circumstances under which it was received were such that your Committee believed the letter to be genuine, it could not ask for an investigation upon such a basis. It seemed, however, that the peculiar feature of the deposits above-mentioned warranted a careful inquiry, especially as about this time the deposits in the Keystone Bank exceeded the legal limit; hence the investigation was requested upon this ground. So important did your Committee deem this matter that the communication to Councils referred to above was presented on the opening day of the session, so that it should have early attention. In the Common branch the letter was not noticed, but in the Select branch action was at once taken, the final result being the appointment of the now famous sub-committee of five members of the Finance Committee of Councils, whose labors, reinforced by the revelations consequent upon the failure of the Keystone Bank, developed the astounding defalcations of the late Treasurer, John Bardsley,

laying bare a degree of rottenness in the management of the City Treasury and its relations to some of the banks that made our citizens blush for the fair fame of their city. The rapid sequence of startling events following upon the heels of this investigation ; the flight of Gideon W. Marsh, President of the Keystone Bank ; the resignation of John Bardsley, his arrest, arraignment before the Court, and plea of guilty to each indictment, and his sentence to the Eastern Penitentiary for fifteen years ; the disgraceful failure of the Spring Garden Bank, and the arrest, trial, and conviction of the president and cashier, are all too well known to the public to need detailed description here, and will not be soon forgotten by thoughtful men. What our citizens should not be allowed to forget, however, until it ceases to be a fact, is that for some reason unknown to the public the inquiry into the Keystone Bank wreck has always stopped short of that full exposure as to its causes and methods to which the people are entitled. It will be remembered that the investigation of the Government experts was closed on account of the exhaustion of the appropriation for such purposes. At the instance of the Committee of Fifty, a number of private citizens agreed to guarantee \$5000 to continue the investigation if the U. S. Treasury Department would keep its experts at work. This offer was accepted, and \$7500 raised by private citizens have been so expended, and yet the light has not been turned on to the Keystone and Spring Garden Bank iniquities. The acceptance of this money still calls for the fulfilment of its purpose.

To fill the vacancy caused by Bardsley's defalcation, Governor Pattison appointed W. Redwood Wright City Treasurer for the unexpired term. Mr. Wright signalized his administration of the office by an exposure of the frauds which had been carried on for years by the Mercantile Appraisers aided by corrupt officials in the Treasury Department. Fictitious names had been placed on the lists for the apparent purpose of obtaining the 62½ cents to which the appraiser is entitled for each name. Unlawful exemptions and reductions had been made. From the testimony of go-betweens it appears that it was a common practice to arrange with merchants for a reduction of their mercantile taxes : "Pay me so much, and I will have you placed on the exempt list or your grade reduced so that the tax will only be so-and-so," was the bait the tempter offered. The evidence

against the appraisers seemed so conclusive that they were arrested and duly indicted. When the day of trial approached, however, it appears that the District Attorney and his associates in the case had not succeeded in obtaining evidence sufficiently conclusive, from a legal standpoint, to secure the conviction of the indicted officers. The District Attorney, therefore, with the approval of Mr. Wright, effected a compromise by which the accused men pleaded guilty to technical neglect in the administration of their duties, and were removed from office, thus escaping scot-free, so far as the real guilt with which they had been charged was concerned. This termination of the affair was generally deemed a practical failure and defeat of the ends of justice, and was strongly condemned by the press. Your Committee took the same view, and passed certain resolutions strongly condemnatory of the District Attorney at a meeting held on December 8, 1891. Mr. Graham felt the censure of the Committee very keenly, and requested an audience, that he might explain the grounds upon which his action was based. Although your Committee felt that it had not acted without due consideration, it also believed that fairness demanded that Mr. Graham should be given the desired opportunity, and the audience was accordingly granted. This interview convinced your Committee that the District Attorney had acted from the best motives and for what he considered the best interests of the public, though we still adhered to the opinion that the case should have gone to trial on its merits, no matter what the result might have been, believing that the moral effect upon the community would have been far better, even if the defective evidence had resulted in complete acquittal. This view is fully set forth in resolutions adopted February 9, 1892. It is a pleasure to your Committee to feel that its difference with Mr. Graham was reduced to a question of judgment, and that its outcome has not impaired our mutual respect and esteem.

The moral of the Bardsley defalcation is clear. Until the citizens select their municipal officers with an eye single to character and qualification for the duties they are to perform, turning a deaf ear to the plea of party name and party service, they must expect just such scandals. As to the Mercantile Appraisers' case, it well illustrates the perennial fallacy of the spoils system, namely, that offices may be used as rewards for party service.

and still be honestly and efficiently administered. No doubt this condition may and often does obtain; but mankind was long ago warned of the impossibility of serving two masters, and sooner or later under the spoils system of appointments honesty and efficiency are forgotten and party spirit alone considered.

OVERHEAD ELECTRIC LIGHT WIRES.

In February of this year both branches of Councils passed by large majorities a bill granting the Northern Electric Light Company the right to "erect poles and wires, and lay conduits underground" in a district covering a very large portion of the streets in the northeastern section of the City. This was but one of four ordinances simultaneously introduced. Its passage would have insured the passage of the other three, and the introduction and passage of further ordinances covering the whole closely-built area of the City. The question was nothing less than the overthrow of the policy of the City settled ten years previously as determinately opposed to all overhead poles and wires. Two and one-half years were fixed by the act of June 13, 1882, as the extreme limit of the City's tolerance of this menacing nuisance. Deeming the matter of grave importance, your Committee appealed to the Mayor both personally and by the following written communication:

HON. EDWIN S. STUART,
Mayor of Philadelphia.

FEBRUARY 19, 1892.

DEAR SIR: The Executive Committee of the Citizens' Municipal Association would respectfully lay before your Honor our objections to an Ordinance which recently passed both branches of City Councils, and which we are informed is now in your hands, entitled "An Ordinance to grant the Northern Electric Light and Power Company of Philadelphia authority to erect poles, run its wires and lay its conduits underground and to make house-connections."

The privileges granted by this Ordinance are in contravention, as your Honor will notice, of the provisions of the Ordinance of June, 1882, which prohibits the erection of all poles and wires for telegraph, telephone or electric-light purposes by firms, corporations or persons, other than the City of Philadelphia, an Ordinance which has never been repealed and is not repealed by the ordinance under consideration.

The privileges to be granted to the Northern Electric Light and Power Company cover the greater part of six wards,—the 16th, 17th, 18th, 19th, 20th and 31st,—a contiguous territory of nearly three square miles extent, nearly all of which is closely built up. Still pending in Councils are a number of other Ordinances intended to confer like privileges upon several other companies to cover other large and scattered portions of the City. Should these measures be allowed we shall soon have the business of furnishing electric light in the hands of a dozen or score of small companies, each with its distinctive corporate powers and privileges, not likely to be in accord with each other, or in subordination to any central authority; and without any provision whatever for that which is now a recognized necessity—the lighting of the public streets by electricity.

It is a question deserving of the most careful consideration whether the electric plant of the City ought not to be one homogeneous system, owned and under the exclusive control of the Municipal Government, in the interest of uniform, efficient and economical administration and promotive of the general welfare.

The creation of new companies, or the granting of any additional privileges to any companies already existing, will stand greatly in the way of the establishment of a complete and uniform system for the whole City.

To permit to any company the erection of poles on which to run its wires is not only unlawful, but would be a retrograde movement, contrary to a policy deliberately adopted and observed for several years. Several companies have by Ordinance of Councils been permitted to lay conduits for underground wires and at the same time prohibited from erecting poles and placing their wires thereon; and these have, at great expense, laid their conduits as prescribed by law. It would be very unjust to such companies now to permit other companies to erect and carry their wires on poles, and by this much less costly method place at a disadvantage those companies which submitted to the lawful restriction.

Poles for carrying electric wires have long since been condemned as unsightly objects and nuisances, disfiguring our streets wherever they have been erected, and it has been the public expectation that the Ordinance of 1882, not only forbidding the erection of any more poles but requiring the removal of those already erected, should be enforced.

In one of our sister cities, where a like prohibitory Ordinance was enacted and the companies refused compliance, the poles were cut down by order of the Mayor.

For the reasons herein set forth we would respectfully, but earnestly, express the hope that your Honor will find abundant

occasion to return this Ordinance with your disapproval to the branch of Councils in which it originated.

On behalf and by direction of the Executive Committee of the Citizens' Municipal Association.

Yours very truly,

JOEL J. BAILY,
Chairman.

After hearing both parties to the controversy the Mayor vetoed the Ordinance. Your Committee then addressed the following communication to Councils:

FEBRUARY 29, 1892.

TO THE PRESIDENT AND MEMBERS OF THE SELECT AND
COMMON COUNCILS OF THE CITY OF PHILADELPHIA:

The Executive Committee of the Citizens' Municipal Association earnestly requests your honorable bodies to sustain the action of the Mayor in vetoing the Ordinance entitled "An Ordinance to grant the Northern Electric Light and Power Company of Philadelphia authority to erect poles and wires, lay underground conduits, to construct manholes and make connections."

In his brief message the Mayor has given convincing reasons why the Ordinance should not become operative. Acting at the close of the period allowed to the Executive, he has given the fullest opportunity for an expression of public opinion, a course which has elicited nothing but condemnation of the proposed sacrifice of the interests of the people to private greed. To override the Executive thus supported by the community at large would be so marked and memorable a defiance of public opinion that only one result could follow at the polls.

On examination the Ordinance discloses no substantial public advantages, but on the contrary its grants and its omissions are obviously the results of motives which array a few men against the people. On collation with similar Ordinances now before you, the obvious purpose of the series becomes manifest, namely, to prevent competition between the present companies and to insure to them the possession of the whole city beyond possibility of interference by any future rivals. It is practically a signed blank check on the City's purse, and a license to extort money from private consumers of electricity. By defacing the streets it will depreciate the value of the City as a whole, and it will further depreciate the value of each of the 12,000 properties to be rendered especially unsightly by one of the estimated number of new poles. It will greatly increase the risk of life

and property from fires, and it multiplies the chances of death by suspending everywhere overhead an agent of instant destroying power. The corporation appearing as beneficiary of the Ordinance in question has had underground privileges for seven years, and its refusal to utilize them is assurance that it will not use those now sought, but will hold them simply to exclude competition.

The Ordinance in question is illegal through its violation of Article XVI. of the Act of the first day of June, 1885, for the better government of cities of the first class—commonly known as the Bullitt Bill—which section by implication forbids any but general Ordinances for the proper and efficient conduct of the affairs of the City. It is furthermore illegal because it contravenes the decisions of the Common Pleas and Supreme Courts which forbid Councils to discriminate against individuals or corporations. Such discrimination would obviously be chargeable to the measure if erected into a law co-equal with the existing Ordinances restricting certain companies to underground systems. The Ordinance in question, if passed, would furthermore be inconsistent with the unrepealed Ordinance of June 13, 1882, providing for the removal of poles and wires by a certain date named.

For these and other reasons expressed in the veto of the Mayor we feel that the public interest imperatively requires the defeat of the Ordinance, and we respectfully urge your honorable body to sustain the veto.

On behalf and by direction of the Executive Committee of the Citizens' Municipal Association,

LUCIUS H. WARREN,
Chairman pro tem.

The change of sentiment in Select Council was complete. The Mayor's veto was sustained by a vote of 30 to 1, the single vote being cast by a member who had not been informed that the Company had abandoned the fight and had released his fellows from the unpopular position of adherence to the wishes of a corporation.

THE PHILADELPHIA TRACTION CO.'S OVERHEAD ELECTRIC TROLLEY ORDINANCES.

On February 25, 1892, six ordinances were introduced into Select Council granting permission to six passenger railway companies to use electric motors and to erect and maintain poles and wires for the purpose of propelling their cars. The six passenger

railway companies were the Union, the Continental, the Philadelphia and Gray's Ferry, the Catharine and Bainbridge Sts., Thirteenth and Fifteenth Sts., and the Twenty-Second St. and Allegheny Ave., all being controlled and operated by the Philadelphia Traction Co. The ordinances were referred to the Railroad Committee. On March 1st this Committee held a meeting in the Columbian Exposition Committee rooms, a place not often used for such meetings, and hence adapted to the purpose of secrecy subsequently made evident. At this meeting an agent of the People's Railway Co. inquired concerning the fate of a trolley ordinance introduced for his company six months previously. An interchange of personalities between this agent and a Traction member of the Committee was the only result, and the People's Co.'s ordinance was never heard of again. This member, Mr. McMurray, moved that the ordinances be reported back to Select Council to be printed in the Appendix, and the question was immediately put by the Chairman, Mr. Hammett, but a vote was defeated when the body was apprised of the fact that the result of the motion would be a surreptitious report in favor of the measure before it had been considered. On the same day a seventh ordinance was introduced into Select Council granting trolley privileges to the Empire Passenger Railway, another Traction line. So quietly were the first six ordinances introduced that days elapsed before the public became aware of the sweeping gift of franchises coveted by the Traction Company. The *Ledger* of February 26th simply contained a report that application would be made to Councils for permission. The same paper, on February 29, stated that such ordinances had been introduced. No meeting was held between February 25 and February 29.

Your Committee was among the earliest to realize the danger, and at a special meeting called on March 5th, for the purpose of opposing the Trolley Ordinances in Councils a committee consisting of Messrs. J. L. Baily, Hastings, Lea, Reeves and Warren was appointed to confer and co-operate with similar committees appointed by other associations to oppose the ordinances. The following series of resolutions was passed.

TO THE JOINT COMMITTEE ON RAILROADS
OF THE COUNCILS OF PHILADELPHIA:

The Citizens' Municipal Association respectfully represents:

That the ordinances now in the hands of your Committee authorizing the introduction of the trolley system of electric propulsion on a number of the passenger railways of the city have not been called for by any public demand, but have been suggested only by the greed of the companies seeking to increase still further their already overgrown profits.

That these ordinances are drawn wholly in the interests of the companies, inasmuch as they make no provision for any compensation to the city as a consideration for the enormous privileges which they propose to grant.

That this Association voices a general public demand in asking that no further privileges of any kind be granted to the companies so long as they remain in default of their obligations as defined by the highest judicial authority of the State to pave, repave, and repair the streets occupied by their tracks.

That wherever the trolley system has been introduced in a large city it has so fully demonstrated its objectionable qualities that it has excited general discontent and desire to get rid of it at any cost.

That the mass of our citizens are bitterly opposed to surrendering our streets to structures which will greatly obstruct and deface them, will largely diminish their usefulness for ordinary traffic, will increase the danger of conflagration and the difficulty of extinguishing fires, will be dangerous to both man and beast, and will interfere seriously with the domestic comfort of all residents in the streets thus occupied.

That the popular feeling in opposition to poles and overhead wires has recently been so emphatically manifested that your Committee will be merely responding to a universal public demand in reporting adversely on these projects to encumber our streets with many thousands of additional poles and a peculiarly dangerous network of overhead wires.

That the pretext of rapid transit, which is the only argument publicly advanced in favor of these projects, is a transparent fraud, because the limit of six miles an hour, as established by ordinance, is as rapid as is compatible with the safety of travel in crowded streets, and that limit can readily be reached by the existing horse cars.

For these and other reasons which will doubtless suggest themselves to your Committee, the Citizens' Municipal Association earnestly but respectfully urges you to report adversely on all ordinances authorizing the use of the trolley in the closely built sections of the city. Yours very respectfully,

FRANCIS B. REEVES,
Vice-Chairman.

A special Committee was named for the purpose of conveying these resolutions to the Railroad Committee, to which the ordinances had been referred, and it accordingly appeared before that Committee at its meeting on March 7th. The special Committee was further instructed to call a meeting of organizations and citizens opposed to Overhead Trolleys, and such a meeting was held in Mercantile Library Building on March 9th. Resolutions were then passed condemning the proposed legislation, and naming a Committee to co-operate with any body of citizens organized for opposition to overhead trolleys. On March 12th a public meeting was held by the Citizens' Committee, a body which had been organized a year previous for the purpose of preventing an invasion of trolleys threatened at that time. It was resolved to form a Union Committee to be composed of representatives of all organizations opposed to the trolleys, and into this Union Committee were elected Messrs. J. L. Baily, Hastings, Lea, Reeves and Warren as delegates of the Municipal Association and also the representatives appointed at the meeting of March 9th. The Union Committee instantly organized for work, appointing Dillwyn Wistar as Chairman, William H. Haines, as Secretary and Treasurer, John C. Bullitt, as Senior Counsel, and Walter George Smith, as Junior Counsel. The Councils Committee on Railroads had held a meeting in Select Council Chamber on March 7, which was so crowded with indignant citizens that before adjournment the larger chamber of Common Council was determined upon for the next hearing, which was appointed to take place on March 14th. Even the larger chamber proved inadequate to contain the host of those who appeared to protest by their presence. The meeting was devoted to hearing expert testimony on both sides, and adjourned until the 16th at 10 A. M., with the understanding that counsel for the opposing sides were to address the members. Certain experts were however heard, and afterwards Mr. John C. Bullitt opened for the protesters. At 6 P. M. the meeting took an hour's recess, after which Walter George Smith, Esq., closed the case of the opposition. Messrs. Rufus E. Shapley, and John G. Johnson appeared for the Traction Company, and at the conclusion of their remarks, about 10 P. M., Mr. Souder of the Railroad Committee instantly moved a favorable recommendation to Select Council, and the motion was carried

with equal celerity and without debate. The proceedings so far had evidently been a farce. According to the calculation of the Traction Company it was necessary to have this stage of the affair concluded at this time in order that the Ordinances might be reported to Councils at their meeting on Thursday March 18th. This report was accomplished, the Ordinances ordered to be printed according to rule, and at the instance of the Traction Company both branches adjourned with the understanding that a special meeting should be called to consider the Ordinances on Tuesday, March 22d.

As this was the latest date which would allow an opportunity for the expiring Councils to pass the Ordinances over an expected veto at the close of the ten days allowed to the Mayor, it was absolutely essential for the Traction Company to secure the passage of all seven bills through both branches on the same day —an unheard of piece of expeditiousness. It was, however, accomplished with remarkable ease and strict adherence to schedule, every amendment being voted down. As each Ordinance was passed by Select Council it was messaged to Common Council, and there went through the prescribed forms against all opposition. The sessions of both branches were memorable for disorder, surpassing the records even of these bodies. To term them deliberative assemblies would be mockery. No deliberation could be possible amid such uproar. To sustain the flagging energies and to procure continuity of attention free suppers were served to the majority by a host which kept itself carefully unknown. The speed of passage was rivalled by the unprecedented speed with which the bills were engrossed. By 9 A. M. the following day they were ready for the Mayor. On Wednesday March 23 a mass meeting was held in the Academy of Music, and six thousand people assembled to voice the universal opposition to the trolley system and the methods of the Traction Co. The vast audience listened to clear expositions of the system and its effects and to scathing arraignments of its promoters and their men in Councils. A powerful series of denunciatory resolutions was passed, and a committee appointed to carry the will of the meeting into effect. The public outcry had so impressed the Mayor that he appointed Monday, March 28th, for a public hearing. His chamber was crowded with a throng of opponents, only six persons appearing in favor of the measures, of whom

two were counsel for the Traction Company, two were chief officers, and two were their close friends. So weighty were the arguments of the opposition that Mayor Stuart sent in a veto to the meeting of Councils held March 31st., but his veto was defeated without difficulty by a vote of 25 to 10 in Select Council, and 77 to 31 in the Common Branch. The names of the voters are appended.

Select Council.

YEAS.—Anderson, Beasley, Becker, Byram, Gilbert, Green, Hammett, Hart, Hetzell, Jones, McAvoy, McClain, McMullen, McMurray, Miles, Moffet, Monroe, Morrison, Patton, Ryan, Schanz, Short, Thomas, Upperman, Wagner.—25.

NAYS.—Bringhurst, Etting, Hagan, Hanifen, Harris, Houseman, McCoach, Morrell, Rose, and Gates.—10.

Common Council.

YEAS.—Adams, J. H. Baizley, S. W. Baizley, Baker, Baldwin, Bardsley, Bateson, C. L. Brown, J. H. Brown, Carmany, Caverow, Collins, Colville, Crowell, Deacon, Denny, Dixon, Fahy, Fisher, Geary, Grace, Griffiths, Haddock, Hauger, Heins, J. F. Henderson, Hill, Horr, Horrock, Hubert, Hunsicker, Hunter, Ingram, Irvine, James, Keith, Kinkaid, Kinsley, Knight, Lamond, Leithead, Lewis, Lindsley, Linn, Loudenslager, Lowenstein, McKnight, McLoughlin, McParland, Markmann, Martin, W. A. Miller, Moore, Mull, Pallatt, Pigott, Pollock, Porter, Rake, Reidenbach, Rowen, Savidge, Scanlin, Seiberlich, Simon, C. K. Smith, Souder, Stauffer, Stinger, Stratton, Staub, Taxis, Van Osten, Walls, White, Wilen and W. H. Wilson.—77.

NAYS.—Anderson, Audenried, Bawn, Cleaver, Edwards, Falbey, Finletter, Ford, Garrett, Gipson, Hartman, Hawkes, R. E. Henderson, Hicks, Hults, Iseminger, Kendrick, Mackie, Meehan, H. A. Miller, Myers, Roberts, Rodenhausen, Schlegelmilch, Seeds, Seger, Smedley, Smithers, West, A. D. Wilson, G. H. Wilson.—31.

Acting under advice of counsel the Union Committee declared its belief that at least five of the seven ordinances were invalid

owing to the failure of the companies to accept the Act of May 14, 1889, which was passed to regulate any changes in the class of motive power of railway companies. The Traction Company evidently recognized the failure of their efforts, for early in the session of the new Councils they introduced an Ordinance *directing* the Mayor to enter into a *contract* with the *Traction Co.* for substantially similar purposes. In other words, the Traction Company, recognizing the inability of the seven companies named in the previous ordinances to avail themselves of the benefits contemplated therein, cunningly substituted itself as the sole beneficiary, altering the form of simple grants to the more binding form of a contract, and compelling the Mayor instead of authorizing him to enter into such an obligation. Realizing the deep and unanimous public opposition to their plans the Traction submitted to certain regulations and offered to pave a number of streets. This specious offer to give to the city what was already a debt to her was instantly detected, and efforts were made to apprise the public of the real object and dangerous character of this clever device. Ward meetings were held at which condemnatory resolutions were passed, and committees appointed to petition the Attorney-General of Pennsylvania to annul the leases of the seven companies to the Traction Co., by proceedings in *quo warranto*; and furthermore to interrogate on this point all candidates for election to the Legislature in November, 1892, and all candidates for election to Councils in February, 1893.

Fortunately for the community this iniquitous ordinance received a determined veto, and the Mayor's position was sustained in Select Council by a vote of 24 to 7. The fight was thus centred upon legal questions, and six of the seven ordinances have been declared invalid by the Court of Common Pleas.

In brief, it was actually left with the Courts to decide whether the people of Philadelphia owned and ruled themselves or not. Councils appeared to take a negative view on this question. The Trolley scheme was, both in 1891 and 1892, carefully held back until after the February elections had changed the successful candidates from cringing applicants for deputed power into insolent servants, and had instilled into the unsuccessful candidates a spirit of resentful carelessness. We are suffering from mixing politics with municipal administration, which is purely a matter of business. No corporation can fail to

suffer from outside interference with its private affairs, a fact relevant to a city as well as to a company. The votes by which we think to assert our freedom are by our own folly changed into shackles, and like spendthrifts we have actually squandered a part of our priceless heritage of freedom. We cannot look to any higher power for emancipation, for it must return, if at all, by our return to intelligence in casting our ballots. If by this incident, illustrative of the corruption of representative government, we are brought to a realizing sense of our own double degradation as the sport of our own servants, who are in turn the slaves of a corporation, this bitterly fought contest will be worth to the city vastly more even than it has cost to those who have waged it so relentlessly.

MUNICIPAL CONTROL OF PUBLIC ELECTRIC LIGHTING.

The policy which has preserved the City's ownership and operation of the gas and water service equally befits the subject of electric lighting. For years it has been the desire of the executive branch of our City government to create and operate a plant for lighting the streets, but this desire has always been frustrated by our City legislators whose action justified the popular conviction that electric light securities had been so placed that the personal interests of many Councilmen were rendered antagonistic to their sworn duty. To quote a Select Councilman: "It's no use of Director Windrim or any one else talking about the city putting up its own plant so long as the majority of the men who are now in Councils remain there. The Electric Trust and the companies allied with it would promptly smother such a proposition if it were made. I don't think these companies were ever stronger in the Councils than they are to-day." A committee appointed to investigate the cost of electric lighting never held a meeting. Silence and negative votes have been the principal replies returned to the convincing arguments of the Department of Public Works and of the newspapers. The relations of the Electric Trust and Councils had become very malodorous before a resolution was introduced into Select Council for the investigation of "the alleged Electric Trust." This resolution was changed in its purpose, on motion of Mr. Wencel Hartman

and therefore defeated in Common Council on March 2, 1892. In the words of a Selectman, spoken while the resolution for an investigation was pending in the Common branch. "Orders have been issued that the investigation must be killed. The Trust is afraid of it, and there are a number of members who might be placed in a very queer position if everything was unearthed. The men who are handling this matter for the electric combination did not want the resolution brought up in Common Council yesterday, and their wishes were respected." It follows that the wishes of the people were not respected because a majority of Councilmen were afraid of their own deeds. Again the people were defeated, but in a way that confirmed their worst suspicion of facts which shunned exposure.

According to expert authority the cost of making current for one arc light, including attendance, is $10\frac{4}{5}$ cents per night. The city pays from 40 to $57\frac{1}{2}$ cents per night, but could construct and operate a plant for one-half the amount, namely about 25 cents per light per night. In 1891 the city paid the companies \$155.12 for each one of 1543 lights, and this year (1892) it is paying \$160.60 for each of 1713 lights. The public money thus squandered by unfaithful Councilmen, in two years, amounts to \$257,228 on this single item. To all arguments for a municipal electric light system, however, the plea of municipal poverty is raised, and the expensive plan is continued of paying the electric trust 39 per cent. profit, a portion of which goes to each stockholder whether in Councils or not. It is instructive to note that Electric Trust influence is so strong that Philadelphia is made to pay for each light in 1892, \$5.48 more than for 1891, and \$52.17 more than the average price paid by fifty-one cities in this country, which are certainly smaller consumers than Philadelphia, and as certainly less favorably situated with relation to the supply of fuel.

The agitation for municipal ownership of an electric lighting plant should not stop at the supply of current to street lamps. It is the duty and privilege of the city to supply private consumers with light, whether from gas or electricity. The City of Copenhagen has just taken this step, thereby furnishing the municipalities of the new world with an example which they might well imitate.

REPAIRS OF STREETS OCCUPIED BY PASSENGER RAILWAY COMPANIES.

ONE of the earliest and most important matters undertaken by your Executive Committee was the enforcement of the obligations of railway companies to repave, repair, and maintain streets occupied by their tracks. To test the companies' contention that they were not obliged to assume charge of the paving from curb to curb with improved pavement, the City paved a portion of Ninth Street with Belgian blocks in 1886, and in December of that year brought suit against the Ridge Avenue Passenger Railway Company to recover. This suit was decided in favor of the City, in the Court of Common Pleas, on November 11, 1890, and at once taken to the Supreme Court. On October 5, 1891, when sitting in Pittsburg, Justice Sterrett handed down the following opinion :

"In refusing to affirm defendant's position, the learned judge earnestly said the City had a right to impose that condition upon the corporation before it could enter upon the streets and lay its tracks upon them. The Act of Assembly made the consent of the City to the exercise of that power by the company a prerequisite to the right to use the streets of the city for the purpose of constructing a city passenger railway, and if the City had a right to refuse or consent, it had a right to say upon what terms it would consent, and upon what terms it would refuse.

"Perhaps, if the question were raised by the City with the view of preventing the exercise of this power under the act, that it had imposed impossible conditions on the railway company, that might be held to be an exercise of authority not warranted by law. But the condition which is here imposed, and which is the one to which this point is directed, I hold, was not an impossible condition, nor an unreasonable condition, and therefore decline to affirm this proposition. The agreement binding the company to observe and be subject to all ordinances of said city in reference to passenger railways now in force, or hereafter passed, was the voluntary act of the company. It was executed and filed pursuant to the unanimous direction of the stockholders, and has stood unchallenged from 1858 until this contention. It is a mistake to suppose that if that agreement can be repudiated the company is at liberty to ignore the provisions of the ordinance of December 12, 1881, forbidding the paving with cobble or rubble except between the tracks of railways, etc."

Justice Sterrett held that the facts in the gas company case in Pittsburg were unlike those involved in the Philadelphia case. These ordinances, passed by the Councils of Philadelphia, required

the railway company, when requested by the Chief Commissioner of Highways, "to remove any obstruction, mend or repair their road, pave or repave the highways."

The Court holds that the ordinance is a part of the company's charter, and says that "it has never been seriously doubted, nor can it be, that the duty to repair or repave, when either is adjudged necessary, extends to the entire roadway from curb to curb. The city authorities have just as much right to require it to repave, at its own expense, with a new, better, and more expensive kind of pavement, as they have to cause other streets to be repaired in like manner, at the public expense." The Court holds that the City had the right to lay a pavement suited to the kind of traffic on the street, at the cost of defendants.

In spite of this final and unescapable declaration of the law, many of the delinquent companies are still endeavoring to maintain the contest, deeming themselves more than equal to the people supported by the Supreme Court. Your Association was the first to raise this question of such liability of the railways, and prior to our action large sums were spent by the City on railway streets without any attempt to recover. On Chestnut and Market Streets alone, \$175,000 of the people's money were expended for Belgian block pavements. Since the test case in 1886 the City has expended vast amounts in faith that it could recover, and claims aggregating \$445,506.83 have been handed to the City Solicitor for collection. The Ridge Avenue company has paid \$25,046.75 on account, and the Second & Third Streets company has paid \$25,000 on account, thus leaving a balance of \$395,460.08 due the city. We have frequently heard statements that the companies could not bear the burden and survive. If this plea had any relevance, which it has not, it would be most effectually overthrown by the annexed table of the operations of all the passenger railways in the city from dates of organization. It comprises in convenient form a vast amount of information carefully gathered from official sources.

The experience of Paris has a direct value in showing us how much legitimate revenue is lost by Philadelphia's foolish generosity to her railways, and furthermore how these companies might be required to accommodate the public in service, as well as in money, and yet earn large returns for the stockholders. Paris collects a tax of \$400 annually for each car in use. It has a right to one-half of any profit in excess of 8 per cent. on the

STATEMENT SHOWING VALUE OF INVESTMENTS IN PHILADELPHIA STREET RAILWAY COMPANIES,
FROM OFFICIAL SOURCES.

Name of road.	Incorporation date of organization.	Number of shares issued.	Par value of each share.	Amount paid in per share.	Total amount of dividends since organization to January 1, 1892.	Per cent. of total divi- dends to amount paid on paid-in capital.	Present market price.
Citizens' (10th and 11th)	March 25, 1858	10,000	50	19.25	2,771,209.25	1359	67.53 %
Continental (18th and 20th)	1872	20,000	50	29	1,493,500	274	No quot'n, 250 Bid, 120
Empire (12th and 16th)	1870	12,000	50	16 $\frac{1}{2}$	72,000	36	No quot'n, 60
Frankford and Southwark (5th and 6th)	April 4, 1854 (Title changed)	20,000	50	50	3,058,704.68	457	24 " Bid, 200
Germantown (4th and 8th)	April 21, 1858	30,000	50	19.09	2,606,808	745	23.56 "
Green and Coates	April 21, 1858	10,000	50	15	1,252,272.99	774	40 " Bid,
Hestonville	April 6, 1859	39,322	50	About 9.50	219,119.50	71	No div'd " 118
Lombard and South	May 16, 1861	19,983	25	15	414,942.03*	.....	38 $\frac{1}{2}$ Asked, 70
People's	April 15, 1873	83,000	25	About 6	244,996.50	.....	41.4 " 50
Phila. City (Chest. and Walnut) (Reorganized)	March 26, 1859	20,000	50	23.75	2,629,629.50	850	31.58 " 153
Philadelphia and Darby	April 28, 1857 (2, 1881)	4,000	50	50	186,825.75	96	4 " 35
Phila. and Gray's Ferry (Spruce and Pine)	April 9, 1858	12,350	50	25	851,127.88	306	14 " Bid, 67
Ridge Ave. { Girard College	April 16, 1859	15,000	50	28	2,176,972	623	35.71 " 200
Ridge av. & Man'k Consolidated	March 28, 1859 (8, 1872)	15,000	50	40	3,609,719.50	632	21.25 " Asked, 160
Second and Third	April 10, 1858	21,204	50	25	404,952.95	137	6 " No quotation.
Seventeenth and Nineteenth	April 12, 1859	10,000	50	16.75	1,981,463.33	731	Bid, 191 $\frac{1}{2}$
Thirteenth and Fifteenth	April 8, 1859	29,000	50	30.83	4,407,500	746	" 175
Union . . . . .	.....	30,000	50	50	2,284,639.50	429	" 170
West Philadelphia (Market St.)	May 14, 1857	15,000	50	40 and 50	1,600,000	Sales, 88 $\frac{1}{2}$
Philadelphia Traction Co.	1884	120,000	50			6	

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* Dividends since July 1, 1890, not included.

stock. New lines pay in addition 6 cents for each round trip. The franchise fixes the rate of fare. The authorities determine the number of trips and the time-table, and compel the companies to follow certain disadvantageous routes which they would otherwise neglect to the detriment of the public. The Parisian public averages 104 trips yearly for each inhabitant, and, as this figure includes those who use and support the most extensive system of cabs in the world, the average number of trips in horse cars made by each inhabitant yearly must be very much less. Philadelphia, on the other hand, having practically no cab service, furnishes the railway companies with the profits derived from 160 trips yearly for each inhabitant, asks only \$50 per car, and imposes no conditions looking to the convenience of the public. American extravagance and French thrift are proverbial, but never better illustrated than by such a comparison.

Among minor but annoying abuses committed by the railway companies, we would call attention to the removal of crossing-stones from between the tracks, and especially at curves; the use of ashes in repairing, which allow rapid settlement of the stones; the use of salt to thaw ice-bound tracks; the use of hay in the cars in winter, and the maintenance in position of disused rails and curves.

At the present writing the City Solicitor has still before him the question of collecting the balance, amounting to \$395,460.08, though no question exists in the view of the Supreme Court; the Mayor and Director of Public Works are endeavoring to secure an ordinance empowering them to pole off the streets occupied by delinquent railway companies; the Grand Jury has strongly recommended this course, and Councils are endeavoring to find excuses for these rich public debtors and for reducing the reasonable burdens placed upon them by the executive departments. The ease and security with which corporations can play fast and loose with the City would be amazing if it were a dream. Its reality is shocking. The cure lies in the purification of both Chambers of Councils.

PAVING STREETS WITH POOR GRAVEL.

A theft which nets the thief a small return while it inflicts large damage occupies an especially contemptible place in the

roll of dishonor. An ordinary burglar can justifiably look with contempt upon the man who steals lead pipe from a building and causes a thousandfold more injury than the value of the old metal. Similarly the larger peculators whose acts we have detailed might look down from their bad eminence upon their smaller kin who pave our streets with bad gravel. The aggregate thus filched may be large, but it is diminutive in comparison with full-priced pavements destined to immediate rottenness, and their long train of injuries inflicted upon a suffering public. This abuse is venerable in years, and hitherto has resisted our best efforts owing to the close affiliation between the contractors and their friends in the disguise of Highway officials. Appeals to the Controller and endeavors to test such cases in Court have been defeated by these officials, who did not scruple to bear false witness against their employer.

The appointment of Director Windrim encouraged us to believe that due weight would be assigned to such facts as we could prove, and accordingly our Agent was instructed to make a general inspection of the paving then being executed. It was found that on York St. and on a number of other streets in the northern section, loam was used instead of clean, sharp gravel as required by Ordinance. Several hundred loads of this material were stored on a city lot on Huntingdon St. above 16th, ready for use. Instead of referring this matter to his subordinates, as had been the custom of his predecessor, Director Windrim accompanied our Agent to the localities named, and personally substantiated the charges. His refusal to approve the bills brought a threat of a lawsuit from the York St. Contractor, but this did not cause the Director to waver from his course. The other contractors confessed their fraud and made restitution by removing the loam and substituting gravel. On 21st Street a finished Belgian block pavement was torn up, the loam removed, and the stones relaid on good gravel. The Director issued an order condemning the pile of loam on the city lot, and reminded the Chief of the Bureau of Highways (Mr. Bullock), that he was responsible for allowing the use of inferior material.

The novel method of ascertaining facts by personal inspection, and the determined position it justified, exercised a wholesome influence both on the officials and the contractors, and for some time a marked improvement resulted.

In September, 1891, however, the same abuse was discovered at Mantua Ave. west from 41st. St. To avoid the possibility of placing the delinquents on their guard, Director Windrim accompanied our Agent without knowing or asking the destination. On arrival the Director found the Contractor, Assistant Commissioner of Highways Stone, District Inspector Whitty, and a crowd of citizens, one of whom had been arrested at the instance of Mr. Stone for removing some of the contractor's vitrified bricks in order that he might relay a granolithic sidewalk. Mr. Windrim at once condemned the material accepted by Mr. Stone, ordered the release of the citizen, directed the contractor to remove all inferior gravel, regrade the street, and to do the work according to contract. Messrs. Stone and Whitty were notified to report to Director Windrim the following morning, and upon investigation both were dismissed from office. This commendable action might well have been paralleled by the removal of the Chief of the Bureau of Highways, George A. Bullock, and of other incompetent and untrustworthy officials. Their retention has required on our part continual watchfulness, and we can only report a partial compliance with contracts.

STREET CLEANING.

The Committee, during the past year, has received many complaints in reference to the neglect of the contractors to clean the streets properly, collect the garbage, ashes, etc.

Under the specifications for this work, for the year 1892, the contractors are paid monthly, but are only entitled to receive one-half of the amount of the monthly payments for the months of January, February and March; and if the streets are not all clean on the first day of April the amount retained for these months remains the property of the City of Philadelphia.

Your Committee caused a thorough inspection to be made as to the manner in which the streets were being cleaned during these months; and finding that the contractors were not complying with their contracts, we notified Director Windrim that we had a list of over two hundred streets which were not cleaned as required by the contracts; and we requested him not to countersign the contractors' warrants. The Director requested us to

forward him the list of streets, on the reception of which he decided to withhold the contractors' money until all the streets were properly cleaned.

**THE QUALIFICATION OF MESSRS. PATTON AND
HOUSEMAN TO CONTINUE AS MEMBERS OF
SELECT COUNCIL.**

Of the five Mercantile Appraisers dismissed from office December 4, 1891, on a plea of guilty of misdemeanor in office, two, namely Messrs. Edward W. Patton and Samuel F. Houseman were and are members of Select Council. Believing that conviction of a criminal offence committed in a position of public trust was morally sufficient to warrant removal of the defendants from any other such position, your Committee addressed the following communication to Select Council on January 21, 1892.

PHILADELPHIA, January 21, 1892.

TO THE SELECT COUNCIL OF THE CITY OF PHILADELPHIA.

GENTLEMEN: The Citizens' Municipal Association of Philadelphia would respectfully call the attention of your honorable body to the fact that Messrs. EDWARD W. PATTON and SAMUEL F. HOUSEMAN, representing the 27th and 7th Wards respectively, in Select Council, were on December 4th, 1891, dismissed by the Court of Quarter Sessions, No. 1, from the office of Mercantile Appraisers, under plea of misdemeanor in office.

By adjudging the confessed offences to be of such gravity as to disqualify the defendants from holding an office of public trust and confidence, the Court virtually adjudges them unfit for any such office, and convicts them irredeemably before the bar of public opinion.

This Association respectfully represents that your honorable body has received from the whole community a trust of exalted power and dignity, and one which will be damaged in public respect and in efficiency as long as men adjudged unfit to exercise important though inferior prerogatives are allowed to affect your deliberations.

Power is lodged by law with your honorable body to purge itself of elements unfit to associate with it in legislating for the community; and with the power is devolved a duty and a responsibility, which, in the opinion of this Association, should be exercised in the case above cited.

On behalf, and by direction of the Executive Committee of the Citizens' Municipal Association.

JOEL J. BAILY,
Chairman.

The matter was referred to a sub-committee, consisting of Dr. William Moffet, Chairman, Wilbur F. Short, James B. Anderson, B. S. C. Thomas, and James L. Miles. The first meeting of this Sub-committee was not held until February 25th, and notice thereof did not reach the Association until too late to take official action. Through our Agent a communication was presented to the Sub-committee recommending it to request the attendance of Messrs. George S. Graham, District Attorney, and Mr. W. Redwood Wright, late City Treasurer, owing to the knowledge possessed by these gentlemen concerning the facts to be considered. The Chairman, however, hastily declared the meeting adjourned without waiting to have our communication read.

The Executive Committee thereupon held a special meeting and prepared the following letter, which was duly presented at the meeting of the Sub-committee on February 27th.

PHILADELPHIA, February 27, 1892.

**TO THE CHAIRMAN AND MEMBERS OF THE SPECIAL COMMITTEE
OF SELECT COUNCIL APPOINTED TO INVESTIGATE THE QUALI-
FICATIONS OF SELECT COUNCILMEN EDWARD W. PATTON
AND SAMUEL F. HOUSEMAN.**

GENTLEMEN: Your Communication of February 23d, advising us of your meeting to be held on the 25th, and inviting us to be present, was duly received at this office; also Communication of the 25th inst. informing us of the adjourned meeting to be held at 1 o'clock P. M. to-day.

The first communication has already been acknowledged by our Agent, T. B. M. Addis, with the recommendation that you should request the attendance of Messrs. George S. Graham, the District Attorney, and W. Redwood Wright, Ex-City Treasurer, from whom the principal information was obtained upon which the Committee based their action in petitioning Councils. The action of our Agent is hereby confirmed. As to any question of facts upon which your committee may desire to be informed the District Attorney and the Ex-City Treasurer are undoubtedly the parties whose appearance you should request, as all the testi-

mony in the cases of the Mercantile Appraisers—Patton and Houseman—is in their possession.

It is impossible for this Association to produce witnesses or proofs, as we have no power to subpoena witnesses, or to compel the production of books. As to any question of law your Committee will doubtless prefer to take the opinion of the City Solicitor.

We believe the matter to which we have called the attention of Select Council is one of very grave importance, and that your Committee will be held responsible by the community for the determination of this question in the interest of justice and public morality.

On behalf and by direction of the Executive Committee of the Citizens' Municipal Association.

Yours truly,

LUCIUS H. WARREN,
Chairman *pro tem.*

Mr. Graham having previously signified his approval of any movement toward the purging of Select Council of members adjudged unfit to hold another office of trust, accompanied the members of your Committee to the Council Chamber. The Sub-committee, after listening to an address of Counsel for Messrs. Patton and Houseman, felt so much in doubt as to its powers that it voted to refer this question to the City Solicitor. His reply is appended.

LAW DEPARTMENT, PHILADELPHIA, March 1, 1892.

JOSEPH H. PAIST, Esq.,
Clerk of Select Council.

DEAR SIR: Your letter of the 27th inst. stating that you "have been directed by a Special Committee of Select Council to consider the Communication of the Citizens' Municipal Association, relative to Messrs. Houseman and Patton, members of Select Council, to forward to you [me] the two enclosed communications from the said Association together with a copy of the resolution this day adopted by the Committee of Councils, as follows:

"Resolved, That the communications from the Citizens' Municipal Association be referred to the City Solicitor, with the request that he furnish the committee with an opinion regarding the jurisdiction, power and authority of the said committee," is at hand.

In answer, I would say, that the Act of June 1st, 1885, Article 15, par. 1, provides, that each branch of Councils shall have power to compel the attendance of witnesses, and the production of books and papers at any meeting of the body or any committee thereof, and for that purpose may issue subpoenas and

attachments in any case of inquiry, investigation or impeachment, and cause the same to be served and executed in any part of the Commonwealth.

Sect. 45 of the Act of February 8, 1854, commonly known as the Consolidation Act, provides as follows: "All officers elected by the qualified voters under this act shall be subject to removal from office on impeachment for misdemeanor in office, or other sufficient cause, on charges to be preferred by the Common Council, and tried by the Select Council, in manner prescribed by the Constitution and By-Laws of this Commonwealth, as to impeachment by the House of Representatives, and tried thereof by the Senate; all other officers shall be subject to removal for sufficient cause, in such manner as Councils may determine;" and in Article 15, Section 1, of the Act of June 1st, 1885, complaint in writing must be made to the Court of Common Pleas of the proper county by not less than twenty freeholders of the city, each of whom shall write his occupation and residence opposite his signature, charging any municipal officer with any offence, setting forth the facts upon which said charge is founded, supported by the oaths or affirmations of at least five of the complainants, according to the best of their information, knowledge and belief.

There are various other provisions in reference to this court of impeachment, among which is one that the President Judge of the Court of Common Pleas, or in his absence, an associate judge thereof, shall preside during the trial and decide finally all questions of law and evidence that may arise in the case.

Under the provisions above quoted, it will be seen that committees have power to inquire into and investigate in relation to any matters that may be delegated to them by either branch of Councils, but the power of removal, however, is provided for in the Acts of 1854 and 1885, in proceeding by impeachment.

Yours respectfully,
CHARLES F. WARWICK,
City Solicitor.

Acting on the opinion of the City Solicitor the Sub-committee laid the following brief report and resolution before Select Council and was discharged.

PHILADELPHIA, March 17, 1892.

TO THE PRESIDENT AND MEMBERS OF THE
SELECT COUNCIL OF THE CITY OF PHILADELPHIA.

GENTLEMEN: Your Special Committee to whom was referred a communication from the Citizens' Municipal Association, relative to Messrs. Houseman and Patton, members of this body, respectfully report that being doubtful as to their authority and jurisdiction, they referred said communication to the City Soli-

citor; and in accordance with said opinion which is hereto annexed [and is submitted as part of this report], the Committee respectfully ask that they be discharged from the consideration of the matter, and ask the passage of the accompanying resolution to that effect.

Dr. Wm. Moffet, Chairman, Wilbur F. Short James B. Anderson, B. S. C. Thomas, James L. Miles.

RESOLUTION

To Discharge the Special Committee Appointed to Consider the Matter contained in a Communication from the Citizens' Municipal Association relative to Messrs. Patton and Houseman.

Resolved by the Select Council of the City of Philadelphia, That the Special Committee of Select Council, appointed to consider the Communication of the Citizens' Municipal Association relative to Messrs. Patton and Houseman, members of this body, be, and is hereby, discharged from the further consideration of the subject.

It will be seen that this committee limited its inquiries to the question of its powers, and learning that it had at least the power to investigate into its own honor, it at once asked for a discharge. The Association's communication needed no reference to a committee nor elucidation by law. The facts cited were indisputable, and Select Council still possesses the inalienable right, exercised by the Common branch in the ejection of David Mouat, to purge itself of any members below the majority level of honor. The question was evidently one which the majority did not wish to touch, and the final evasion shows the public that the upper branch of Councils rates its majority's honor as not above that of two public servants who would stoop to commit a misdemeanor.

DOUBLE OFFICE HOLDING.

In spite of laws passed during a century for the purpose of defining the extent to which a single individual may hold offices, the abuse of holding those declared legally incompatible still continues. The manifest purposes of such enactments are to secure proper attention to official duties, and to prevent a single

individual from being a grantor of public funds to himself as grantee. These principles are plainly set forth in the Act of February, 1805, incorporating the City of Philadelphia, which provides in its third section that no Alderman of the City of Philadelphia, nor any other person holding any office of trust or profit under the laws of this Commonwealth, or the Ordinances of Select and Common Councils, the emolument whereof is paid out of the treasury of the said City, shall be competent to serve as a member of the Select and Common Councils. The new Constitution of Pennsylvania, adopted in 1874, and the Act of June 1, 1885, better known as the Bullitt Bill, under which Philadelphia is now governed, each has its provision against duplicate office holding, as will appear in the correspondence shortly to be quoted.

To test this abuse in a specific case your Committee addressed the following letter to Controller Thompson under date of October 29, 1891:

PHILADELPHIA, October 28, 1891.

MR. THOMAS M. THOMPSON,
City Controller.

DEAR SIR: At an election held November 4, 1890, in the 18th Legislative District, comprising the 19th and 31st Wards in the city of Philadelphia, John Mecleary was elected a member of the Legislature from said District, term commencing December 1st, 1890 and ending December, 1892.

A few months ago Mr. Mecleary was appointed by Receiver of Taxes, Captain John Taylor, as Deputy Tax Collector, to fill the vacancy occasioned by the resignation or removal of Ex-Collector Thomas H. Boardman.

Act of May 15, 1874, Section 15, provides "That no Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this Commonwealth."

Act of June 1, 1885, provides that "No person shall hold more than one office of profit in any city department, and no person shall hold any office of profit under the City, or any department thereof, while holding any other official or representative position of profit in or under the Government of the United States or of this Commonwealth."

Mr. Mecleary is therefore illegally serving as Collector of Delinquent Taxes, the term for which he was elected a member of the Legislature not having yet expired.

We therefore most earnestly request that you will withhold your approval of his warrant for serving as Tax Collector.

On behalf and by direction of the Executive Committee of the Citizens' Municipal Association.

Yours truly,
JOEL J. BAILY.
Chairman.

On reference of the matter to the City Solicitor, the following reply was returned:

LAW DEPARTMENT OF THE CITY OF PHILADELPHIA,
231 S. SIXTH ST., PHILADELPHIA, Nov. 2, 1891.

THOMAS M. THOMPSON, Esq.,
City Controller.

DEAR SIR: Your letter of the 29th ult., enclosing copy of Communication from Joel J. Baily, Chairman of the Citizens' Municipal Association of Philadelphia, protesting against the approval by your Department of a warrant drawn in favor of Mr. John Mecleary, for services as Deputy Tax Collector, upon the ground of his being a member of the Legislature, is at hand. You ask me to inform you whether under the circumstances you would be authorized in countersigning the warrant referred to, and also whether you would be authorized to countersign Mr. Mecleary's warrant in case he should resign his position as a Member of the Legislature.

In answer, I would reply that the Act of June 1, 1885, provides that "No person shall hold more than one office of profit in any city department, and no person shall hold any office of profit under the city or any department thereof while holding any other official or representative position of profit in or under the Government of the United States, or of this Commonwealth."

The office of Deputy Tax Collector is an office of profit in a City Department, and is incompatible with being a member of the Legislature; nor do I think that the resignation of Mr. Mecleary as a member of the Legislature would justify you in countersigning a warrant for services as Deputy Tax Collector while a member of the Legislature.

Yours respectfully,
CHARLES F. WARWICK,
City Solicitor.

Acting under the instructions contained in the City Solicitor's letter Controller Thompson refused to countersign the warrant for the salary of Mr. Mecleary, who had in the meantime resigned both from the Legislature and the Deputy Collector-

ship. The former of these resignations was officially perfected on November 9th, and on the 11th Receiver of Taxes Taylor re-appointed Mr. Mecleary Deputy Collector of Delinquent Taxes to date from the 9th. Controller Thompson declined to countersign his warrant for salary without instruction from the City Solicitor definitely explaining the intent of the Constitutional provision hereinbefore quoted.

The resulting correspondence is summed up in the following letter :

LAW DEPARTMENT OF THE CITY OF PHILADELPHIA,
231 S. SIXTH ST., PHILADELPHIA, Nov. 27, 1891.

In re warrant for pay of John Mecleary :

JOHN TAYLOR, ESQ.,
Receiver of Taxes.

DEAR SIR : I am in receipt of your communication of the 23d inst., in which you state that "in presenting a warrant for Mr. John Mecleary, from 9th inst., to the City Controller, objection was raised to signing the warrant until an opinion was received from me under which Mr. Mecleary would be shown to be authorized to be appointed in this [Tax] Department." You further state that "Mr. John Mecleary had been appointed Deputy Collector of Delinquent Taxes, and objection was raised by the Controller that he, being a member of the Legislature, was not properly entitled to receive pay from a City department; that Mr. Mecleary resigned position as Collector on October 31st and sent his resignation as a member of the House of Representatives to Speaker Thompson on the same date." On November 11th Mr. Mecleary received from Speaker Thompson acceptance of his resignation, dated November 9, 1891, whereupon you re-appointed Mr. Mecleary Deputy Collector to date from the 9th inst.; the warrant for the services of Mr. Mecleary from 9th inst. was presented to the Controller, and that he refused to countersign said warrant until he received an opinion from me as to whether or not Mr. Mecleary was eligible to the position to which you have named him."

On the 29th of September the City Controller enclosed me a copy of a communication from Mr. Joel J. Baily, Chairman of the Citizens' Municipal Association of Philadelphia, protesting against the approval by the City Controller of a warrant drawn in favor of Mr. Mecleary for services as Deputy Tax Collector, upon the ground of his being a member of the Legislature.

In answer to that communication I replied "that the office of Deputy Tax Collector was an office of profit in a City department, and that Mr. Mecleary while a member of the Legislature

could not hold that position under the Act of June 1, 1885, which provides that no person shall hold more than one office of profit in any City department, and no person shall hold any office of profit under the City or any department thereof while holding any other official or representative position of profit in or under the Government of the United States or of this Commonwealth."

In your letter of the 23d inst., however, you state that Mr. Mecleary has resigned his position as a member of the Legislature and that his resignation has been accepted. If this be so, I find no law that precludes him from holding the position to which you have appointed him in your office.

It will be seen by the Act of June 1, 1885, above quoted, that no person shall hold any office of profit under the City or any department thereof while holding any other official or representative position in or under this Commonwealth.

So long as Mr. Mecleary was a member of the Legislature he could not hold any position under the City or any department thereof. If, however, he has resigned and is no longer a member of the Legislature, I can find no law that prevents his acceptance of the position to which you have named him.

Section 6 of Article II of the Constitution, adopted 1874, provides: "That no Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this Commonwealth."

It is proper for us in determining this question to consider whether or not Mr. Mecleary has been named or has been appointed to fill a civil office under the Commonwealth.

In my judgment, the position he holds in the office of the Receiver of Taxes—a municipal office—is not in the contemplation of the Constitution a civil office under the Commonwealth.

In conclusion, therefore, I am of opinion that Mr. Mecleary, being no longer a member of the Legislature, can hold the office to which he has been appointed by you as Receiver of Taxes.

Yours respectfully,

CHARLES F. WARWICK,
City Solicitor.

By this letter it appears that though your Committee was justified under the Act of June 1, 1885, in securing the withholding of the salary attached to the collectorship, it was technically in error in presuming that the same conclusion could be drawn from the Constitution of 1874. The object of the Committee's action was however satisfactorily accomplished, and the result should stand as a warning to those who would divide among two or more offices the efforts which are legally devolved by the acceptance of one.

Whether habitual compliance with laws of similar character can be secured is doubtful and will remain so until those to whom we ultimately look for guidance—namely the judges—set the example of respect for law. That they do not always fulfil such reasonable expectations was a painful surprise to your Committee, but the fact is incontrovertible, as will appear from the following correspondence, which, intended simply as the beginning, was made also the end of the matter.

DECEMBER 7, 1891.

TO THE HONORABLE BOARD OF JUDGES OF THE COURT
OF COMMON PLEAS OF THE COUNTY OF PHILADELPHIA.

GENTLEMEN: The undersigned, on behalf of the Citizens' Municipal Association, would respectfully call your attention to a question which has been raised as to the eligibility of several of the members of the Board of Education.

As we are informed, certain members of this Board are now members of City Councils, and others are holding offices which under the law are incompatible with their positions as members of the Board of Education. We are advised that under the law as it now stands, members of the Board of Education cannot hold other offices which have salaries attached to them. The exact language of the Act of May 13, 1856, is: "No person shall be eligible as a Controller of the Public Schools in the first school district of this Commonwealth unless he shall have the qualifications to serve as a member of the State Senate," and Article 2 of the Constitution provides: "No Senator . . . shall, during the time for which he shall have been elected, be appointed to any civil office under this Commonwealth." Act of May 13, 1856, also provides: "No person shall at the same time be a member of one or more of the following bodies, to wit: City Councils, . . . Controllers of Public Schools, and Directors of Public Schools, provided that this shall not be construed so as to prevent a Controller of Public Schools from being, at the same time, a School Director."

Understanding that the terms of one or more of the members of the Board of Education, whom we believe to be ineligible for one or other of the reasons stated, are now about to expire, we have deemed it opportune to call your attention to the subject, as we are sure that your Honorable Board would wish to guard against any such action as the appointment of a member of the Board who, under the law, is disqualified from holding the office. You will pardon us for having brought the matter before your attention, but we have deemed it our duty to do so, and hope you

will give the subject such consideration as its importance seems to demand.

On behalf and by direction of the Executive Committee of the Citizens' Municipal Association.

Yours very truly,

JOEL J. BAILY,

Chairman.

To this letter the following reply was received :

PHILADELPHIA, December 7, 1891.

JOEL J. BAILY, Esq.,

Chairman Citizens' Municipal Association.

DEAR SIR: Your communication of this date to the Board of Judges was laid before the Board this day, and I was directed to acknowledge the receipt of the same, and file it among the papers of the Board. I am, sir,

Very respectfully yours,

M. ARNOLD,

Secretary.

The filing was so thoroughly performed that the whole matter must have escaped the recollection of the Board of Judges, for they proceeded to re-appoint members of the Board of Education in contravention of law.

INFRACTIONS OF BUILDING LAWS.

Your committee regrets that infractions of the building laws still continue, and that its efforts to prevent them are not meeting with deserved success. The ordinances bearing on this subject are clear and well defined, aiming to diminish the fire risk by prohibiting the erection of wooden buildings within certain boundaries.

To promote health and cleanliness, however, the law makes an exception in favor of wooden bath-rooms in the second story, "provided, always, the lower story shall be composed of brick or other incombustible material." It is unfortunate that an exception made for such purposes should be abused, but such is the case. In the outlying districts frame bath-rooms have become the rule, rather than the exception, so that we have solid block after block of dwellings, in some cases properly protected

by party walls carried above the roof, a precaution rendered useless by the contiguity of these wooden bath-rooms.

In addition to this unexpected expansion of the privilege, the cupidity of builders or owners, in many instances, has led them to a direct violation of the law by making the lower story of wood and sheathing it with thin corrugated iron. This virtual evasion has unfortunately been sanctioned by our Building Inspectors, whose requirements are too easily satisfied.

Twenty-six houses recently built in this way on the north side of Oakdale Street, between Fifteenth and Sixteenth Streets, were personally examined by members of your committee and found to be in flagrant violation of the law. It is a matter for regret that the Mayor, usually so firm in upholding the right, should have accepted the insufficient excuse of the Inspectors for permitting the erection of these buildings.

In the same neighborhood the Omnibus Company General has erected a large building. Nearly three hundred feet of the front wall, two stories in height, and the rear walls for the same distance, are constructed of wood. With the exception of light iron columns the first story is entirely of wood. The second story is of wood sheathed with corrugated iron.

In this case the evasion has been accomplished by the device of making the front consist almost wholly of doors, an element of a building in which wood is permitted. This ingenious mode of breaking the law would have been thwarted by an inspector mindful of the spirit of the law instead of unmindful of both spirit and letter.

In the building at the southeast corner of Broad Street and Ridge Avenue, to which the attention of the Mayor was also called, the violation of the law is not masked behind either a bath-room or a door. The framework of this building is a composite structure of wood and iron. It is separated from the adjoining building by a brick party wall, but the Broad Street and Ridge Avenue fronts are of wood sheathed with iron, and its main walls are by no means built "wholly of incombustible material." And yet the Inspectors in their reply to the Mayor allege that the "superstructure is entirely of iron and brick, except the joists, which rest upon iron girders running from one post to another." This is a virtual admission of error which they try to defend by a quotation from an ordinance permitting oriel or

bay windows that does not appear to be in any way germane to the case. That the Philadelphia Fire Underwriters' Association disagrees radically with the Inspectors as to the character of this building is shown by the appended letter from the Secretary, Mr. John E. Whiting:

PHILADELPHIA FIRE UNDERWRITERS' ASSOCIATION,
136 AND 138 SOUTH FOURTH ST., PHILADELPHIA, Sept. 12, 1891.

AMOS WAKELIN, Esq.

DEAR SIR: In reply to your inquiry, I would say that the new building in process of erection on the southeast corner of North Broad Street and Ridge Avenue is four stories in height; it has in places an external shell of wood covered with thin sheet metal, but the larger portion of the surface is taken up with large glass windows.

It has an interior skeleton frame of iron columns and girders for carrying the weight, which is located at least one foot inside of and away from said external shell.

Such a structure is, to all practical intents and purposes, both from an insurance and fire hazard point of view, what is known as a "wooden" structure; and would be so regarded by us in fixing rates of insurance on either the building or contents.

Yours very truly, JOHN E. WHITING,
Secretary.

Mr. Whiting's view of the Omnibus Company's building is the same, namely that it is practically a wooden building.

PHILADELPHIA FIRE UNDERWRITERS' ASSOCIATION,
136 AND 138 SOUTH FOURTH ST., PHILADELPHIA, Oct. 4, 1891.

AMOS WAKELIN, Esq.

DEAR SIR: In reply to your recent inquiry, I would say that I have had an inspection made of the building recently erected by the Omnibus Company General on Huntingdon Street, between North Fifteenth and North Sixteenth Streets in this city, intended as a repair shop and storehouse for omnibuses on the first floor, and for the storage of hay and grain on the second floor; and I learn that, with the exception of the two end sections, occupied respectively as a boiler-room and blacksmith shop and as an office, the entire front and rear walls are either composed of doorways and windows or of wood covered with corrugated iron, making it practically a wooden building, for which a much higher rate of insurance will be charged than would have been made for walls built of brick, as they should have been.

Yours very truly,
JOHN E. WHITING,
Secretary.

While the Committee has not been successful in the cases above cited, its objection to the construction of the Empire Theatre at Broad and Locust Streets, as at first proposed, resulted in the condemnation of a portion of the building, and its reërection in accordance with the law.

Instead of relaxation by Inspectors' rulings, our building laws need more rigidity in intent and interpretation. We rely far too much upon the Fire Department, an efficient organization, yet one which offers merely a chance for curing what could certainly be prevented. The fire tax in this country is enormous and disgraceful, and that it is ultimately paid not by the insurance companies but by the people, is vividly brought home to us by the recent increase in premiums. It would be greatly diminished by proper building methods, and still more by adopting principles in operation in France. There the slightest negligence, when proved, forfeits an owner's rights to insurance, and the introduction of a new hazard in any neighborhood renders it obligatory upon the person responsible therefor to pay the additional premiums on surrounding properties endangered thereby. Our State laws specifying the tests for burning oils should be completely revised, and their execution by the Oil Inspectors should be made more stringent.

REMOVAL OF DIRECTOR RONEY.

In August, 1891, it was ascertained that the Director of Public Safety, Mr. George Roney, had, while acting as Superintendent of the Almshouse, appropriated to his own use some property belonging to the City and also money belonging to paupers and to others.

The matter was investigated by the Board of Charities, and while the report was under consideration of the Mayor your Committee learned that great political influence was being brought to bear upon him not to remove Mr. Roney. Believing him guilty of the acts charged, and hence an unfit person to hold any position of trust, your Committee presented the following communication to the Mayor on September 3, 1891, requesting him to remove Mr. Roney from office if he found the charges substantiated :

PHILADELPHIA, September 3, 1891.

HON. EDWIN S. STUART,
Mayor of Philadelphia.

DEAR SIR: The Citizens' Municipal Association have, with deep regret, in common with their fellow-citizens, been called to notice certain published statements affecting the integrity of Mr. George Roney, now Director of Public Safety, in the form of charges of irregular and dishonest acts during or near the close of his official connection with the Philadelphia Almshouse.

These allegations are of such grave character as, if not clearly refuted, to bring the administration of the department of which Mr. Roney is now the head into disrepute, and to weaken the confidence of all good citizens in its efficiency and integrity.

The Executive Committee of the Citizens' Municipal Association, having been called to consider their obligations in the premises, beg very respectfully to represent that should your Honor's examination into these charges, which we understand are now in your hands in the form of a report from the Department of Charities and Correction, prove them to be well founded, the importance of prompt action by the removal of Mr. Roney from office cannot be overestimated, for only by promptness and decisiveness in dealing with such cases can the administration of any government continue to receive the moral support and retain the confidence of the people.

On behalf and by direction of the Executive Committee of the Citizens' Municipal Association,

Yours very truly,
JOEL J. BAILY,
Chairman.

Immediately upon the presentation of our communication the leading newspapers of the city demanded the removal or resignation of Mr. Roney, who, finding that he would be removed from office, tendered his resignation as Director of Public Safety within twenty-four hours of the date of our action.

On September 29th Mayor Stuart appointed Abraham M. Beitler, Esq., then First Assistant City Solicitor, to the position of Director of Public Safety. Mr. Beitler at once accepted, and in a few days entered upon the duties of his office. Under his administration there is reason to hope that the police and fire departments will be removed from political activity.

RETAINING WALL BETWEEN RIDGE AVENUE AND
MAIN STREET NEAR WISSAHICKON STATION,
MANAYUNK.

Another act has been added to this travesty on municipal business, and a disgraceful ending seems imminent. For an understanding of the case it will be necessary to epitomize it from the beginning. On February 7, 1890, the city contracted with John Nolen to do certain work, including among other matters the rebuilding of a retaining wall to support Ridge Avenue in its rise from Main Street in Manayunk. For this he was to receive \$6 per linear foot, an entirely insufficient price, under penalty of \$5 per day for each day's delay after May 7th. On October 20th he filed a bill duly certified by all necessary city officials, and on November 8th a warrant was drawn for \$2857.86 for $476\frac{3}{100}$ feet of wall, being its entire length, at \$6 per foot. Presuming that the bill was rendered as soon as the work was completed the penalty for delay should have been \$805, but the city's rights in this regard were neglected. The contract called for complete rebuilding from the foundation, under specifications which if executed would have secured for the city a durable job; but three months after the payment a portion of Nolen's wall fell down. Director Wagner made no attempt to compel the derelict contractor to reconstruct it, preferring to leave him in undisturbed possession of the city's money, and to give the same man, Nolen, the order to rebuild the wall by day's labor. If it had been right to place this burden on the people it would still have been wrong and illegal to execute the work without contract upon advertisement, as no public emergency existed. To pay a contractor for a piece of masonry which could not endure its own weight, and when this had been proved, to issue to the same man a signed blank check in form of an order to rebuild by day's work and to furnish material, is an astonishing piece of business. That Nolen improved his opportunity will be made clear.

As stated in our Report for 1891, we were prevented by a clerk in the Controller's Office from examining Nolen's contract, or the bills for the original work, or the pay-rolls for the rebuilding. We were informed by this clerk that none of these papers

were in the Controller's Office. Discovering that this assertion was false, we urged the Controller to remove the clerk; and we have pleasure in stating that in this, as in all other cases, Mr. Thompson has given our recommendations careful consideration before taking action.

Not until after the first payment had been made under the contract were we able to procure the existing data; but when once in possession of the facts we lost no time in filing with the Controller a protest against any further payments, stating our opinion that the contractor should be compelled to replace his faulty work at his own expense.

On April 4th, 1891, Louis Wagner was retired as Director of Public Works. The work ordered by him, however, was continued under the supervision of Bridge Inspector Trik and Chief of Highways Bullock, and completed on or about June 29th, when Nolen presented additional pay-rolls and bills amounting to \$7520.44. This sum included neither the \$1184.13 in pay-rolls approved by Director Wagner in March, 1891, nor a bill of \$916.20 for cement, nor other bills for lumber, sand, etc., furnished by the city, which would make the cost of rebuilding the wall over \$10,000. All this work should have been done under the bid and contract of 1890. The bill did include however the charge for rebuilding a much larger portion of the wall than the piece which had spontaneously fallen, since Nolen, operating at the city's expense and not at his own, adjudged his own work to be unworthy of the city, and proceeded to undermine it surreptitiously. He thus rebuilt 188 feet or 40 per cent. of its length. His bill for \$7520.44 was approved by Bridge Inspector, C. A. Trik, and Chief of the Bureau of Highways, George A. Bullock, but Director Windrim, unlike his predecessor, refused his approval. Nolen then entered suit, and by agreement between his counsel and City Solicitor Warwick it was decided to submit the matter to a Referee, and Judge Finletter appointed Ex-Assistant City Solicitor Harry F. Walton. A case of such importance should be tried only in Court.

To sum up, the cost of this wall, beginning with the contract of February 7, 1890, is as follows:

Bill for rebuilding the whole wall under contract of 1890, $476\frac{31}{100}$ linear feet at \$6 per linear foot .	\$2,857 86
Bills and pay-rolls for rebuilding 188 feet of wall which had not been properly built under the contract of 1890, as follows:	
Pay-Rolls approved by Director Wagner, March 1891	\$1,184 13
Pay-Roll and bills NOT approved by Director Windrim	7,520 44
Bill for cement furnished by the city	916 20
	<hr/>
	\$9,620 77

To which should be added the unstated bills for sand, lumber, terra-cotta pipe, etc., furnished by the city, and likewise \$600 worth of old stone in place, which would increase the above amount at least to \$10,600 00

This does not include the salaries of the city officers who had charge of the work.

It appears therefore that bills amounting to \$10,000 were presented to the city for repairing 188 feet of a wall 436 feet long, which total length had been put under contract for complete construction for \$2857.86. In short, the *rebuilding* of 43 per cent. of the wall was made the basis for charging 350 per cent. of the original contract for *entire construction* from the foundation. To arrive at the excess of this *repair job* (the whole being chargeable but not charged to the contractor) over the cost of building the 188 feet anew and in first-class style, it is only necessary to make the following simple calculation:

Perches in the 188 feet.	Total cost of repair of.	Cost per perch.
1010	\$10,600	\$10.50

The wall could have been constructed in first-class style for \$5.00 per perch, being \$5.50 less than the *repair job* rate. Therefore the excess of the *repair job* alone over completely new and good work is $\$5.50 \times 1010 = \5555.00 .

Furthermore, the total cost of building and rebuilding, as above shown, not including salaries, is at least \$13,457. Of this total only the amount of the original contract was properly chargeable to the city; but it has nevertheless been sued as if chargeable for the full amount.

This affair illustrates a procedure not uncommon in municipal work. A contractor assured of necessary support underbids the price for which a job can be done in proper style. The work is paid for and proves defective. He secures an unlimited order for repairs, not at his own expense, and proceeds to roll up a bill far above the figures which would have executed the work originally in first-class manner. Formerly there was no question as to prompt payment, but even now in case of difficulty he is well protected, and with unhesitating effrontery he takes advantage of his own wrong-doing and sues the city to pay him twice the amount it would have cost to do the work once and permanently.

Two hearings of Nolen's suit were held in the Referee's office before the Law Department notified us of the trial. Appearing immediately upon notification we were requested by the City Solicitor to procure evidence on behalf of the city, and we complied heartily with this request, though it involved great labor. The hearings continued from October, 1891, to March, 1892.

The city's representatives, namely Chief of Highways Bullock, Bridge Inspector Trik, and Inspector H. A. Markley of the 22d Ward were active in support of Nolen. All these men testified that the rock excavated from the foundation, and the stone in the wall which had been built prior to the contract of February 7, 1890, and the very large additional amount of stone which Nolen and his witnesses testified they put in the wall at that time, except 124 perches admittedly sold, had been used in the reconstruction of Nolen's wall. It is significant to note that admission of this sale was not secured until your Agent observed that stone was actually being carted away. The amount thus removed previously and not accounted for is doubtless directly connected with the fact stated below, that more stone was charged for than exists in the wall. It was inspected and measured frequently by your Agent during construction, and after completion by competent engineers who verified the Agent's figures. To avoid possibility of mistake they excavated down to the foundation the whole length of the 188 feet repaired, and thus reached a total of 1010 perches in the wall, filing with us their scale drawings in proof. In his bill for reconstruction Nolen charged the city for 1347 perches of new stone, that is to say, 337 perches more than the total cubical contents of the wall. To arrive at

the total overcharge in the item of stone, these 337 perches must of course be added to the old stone and the excavated rock belonging to the city, and admittedly used in the reconstruction.

Shortly after Referee Walton had begun the hearings City Solicitor Warwick coincided with our view that the case should have been tried only in Court. Not only had the city's employes arrayed themselves against their employer, but also the very tribunal itself permitted gross irregularities in favor of the plaintiff. Most of the hearings were held at the office of the plaintiff's counsel—an unfit place. Experts and witnesses for the city were treated contemptuously by the Referee. Unfortunately the city's interest was confided to a relative of the appointing Judge, although he did not possess the qualifications of age or experience imperative for the proper conduct of a case of such moment. On one occasion, important testimony introduced, as it happened, by Mr. Warwick himself was ruled out of order, the hearing promptly declared adjourned and the witness not subsequently summoned, being obviously regarded by the prosecution as dangerous for its cause. The testimony thus ruled out would have established the fact that Nolen and John Bardsley, late City Treasurer, had been in silent partnership in this job, Bardsley being represented by Charles A. Doerr. Bardsley advanced as his own \$18,000 of money belonging to the city and State for the purpose of assisting Nolen in this and other contracts, a money consideration of course being the price of this assistance. On completion of these contracts Nolen was paid by the city, but the money received by Bardsley as partner never reached its rightful owner, namely the city. The original wall was therefore paid for twice, once by warrant, and prior to that time by embezzlement.

It would be unreasonable to expect justice to triumph over such obstacles, and the result confirms our anticipations of a miscarriage. The Referee has apparently acted as counsel for Nolen instead of as a judge, and has constructed a verdict for the plaintiff which shows in some parts a strained ingenuity, and in others a complete reversal of the conclusions inevitably following from the facts in the testimony. In brief, the Referee "is of the opinion that the plaintiff is entitled to recover the full amount of his claim with interest" and enters judgment for \$6978.48, thus pitting his opinion against the position assumed

by Director Windrim in a matter belonging peculiarly to the Department of Public Works. The decision was not filed until a week after it was promised, and even then your Agent could only secure it from the Prothonotary's office on the assurance that it was not to be given to the newspapers.

The obvious injustice of this decision led the City Solicitor to file exceptions, but whether this was done humorously or seriously is open to doubt, for the first and third exceptions read respectively as follows: "Because the Referee erred in finding for the Plaintiff," and "Because the Referee erred in not finding for the Defendant." The Referee was not moved from his decision by these exceptions or by the other four, and he filed his reaffirmation, upon which the Court sustained his decision. It is worthy of special note that the Referee's report was filed on June 29th, and on a single day, namely July 2d, the exceptions filed in the interval were dismissed, the report confirmed by Judge Finletter, and the mandamus issued returnable in two days. The rapid sequence of these proceedings indicates a pre-arranged schedule for the hasty and inconsiderate disposal of an important interest of the city.

The function performed by the Court seems to have been purely ministerial and not discriminating either in the selection of the Referee or in the acceptance of his decision. Following a reprehensible custom, Mr. Walton, who is an ex-Assistant City Solicitor, having gained thereby a knowledge of City business, which would be regarded as inviolable by reputable counsel for a private client, proceeds to use it against the City. He is now a candidate for reëlection to the State Legislature, and it is for his constituents to decide whether their interests can safely be recommitted to him. Several other municipal cases are pending in his care as Referee, but the City's experience here recited would indicate that her interests would be served in future by a different appointment by the Court.

It is to be hoped that the City Solicitor will not allow so rank a specimen of injustice to prevail. If it cannot be finally reversed the whole machinery of law which evolved it needs reconstruction, for the City can never hope to be protected from wholesale plunder if a case so strong in its favor is perverted against it.

Concerning the employés of the city who have been in any

way implicated in this fraud, one of two conclusions is true. Either they knew it or they did not know it. If they did not know what they were doing they are unfit for their positions. If they did know what they were doing they are guilty as participants. The inference leans toward this latter conclusion, for if innocent they should have arrayed themselves unhesitatingly on the side of the city on the first proof of irregularity. On the contrary, they left all the burden of proof upon an association of citizens organized for the protection of the community from its own servants, and furthermore they endeavored to break the incontestable proof adduced. The course of Director Windrim has been straightforward and courageous, but he cannot afford to trust his reputation and his duties to such subordinates. We call upon him to dismiss every man who has been connected with this job in any position of responsibility, and we pledge him our unwavering support in such action.

The narratives of municipal carelessness and corruption detailed in the foregoing pages could probably be paralleled in the current history of every large city in our country. The very commonness of such evil, which should doubly condemn it, is allowed to dull the intensity of popular indignation. We have crying need for the honest and rigid expenditure of every dollar which can be raised, yet millions are squandered, every one of which means the denial to our people of some necessary of their very lives. The official who is lax or who robs is no ordinary criminal. The results of his carelessness or villainy affect millions of people. Those whose lives are forfeited by his act are murdered, and his murders are wholesale. Those who survive he stunts and deforms in body, mind and soul—robs of the realization of the possibilities with which each entered upon life.

OBITUARY.

During the past year we have to record the death of the following named members of the Association, viz., William C. Allison, Nathan T. Clapp, Rev. G. Emlen Hare, D.D., LL.D., George S. Harris, Robert P. McCullagh, William M. Sinclair, William C. Stroud, John J. Weaver, and Dr. J. W. White, all of them well-known and public-spirited citizens, who contributed cheerfully of time and their means in promoting whatever concerned the interests and welfare of Philadelphia.

MEMBERSHIP.

Number of members at last report, April, 1891,	246
Elected during the year,	12
Total,	258
Deceased--William C. Allison, Nathan T. Clapp, Rev. G. Emlen Hare, D.D., LL.D., George S. Harris, Robert P. McCullagh, William M. Sinclair, William C. Stroud, John J. Weaver and Dr. J. W. White,	9
Resignations	13
	— 22
Present membership	236

EXPENDITURES.

The expenditures of the year have been as follows, to wit:

Rent of rooms	\$500 00
Salary and wages	2177 00
Legal expenditures and experts	322 43
Printing annual report, constitution and by-laws	107 79
Other printing, stationery, postage, etc.	428 92
Total	<hr/> \$3536 14

By order of the Executive Committee,

JOEL J. BAILY,
Chairman.

ROOMS OF THE CITIZENS' MUNICIPAL ASSOCIATION,
N. W. cor. Thirteenth and Arch Streets.

Officers, Members and Sub-Committees
OF THE EXECUTIVE COMMITTEE.

CHAIRMAN,
JOEL J. BAILY.

VICE-CHAIRMAN,
FRANCIS B. REEVES.

SECRETARY,
GEORGE BURNHAM, JR.

TREASURER,
ROBERT R. CORSON.

Members of the Executive Committee.

WILLIAM M. AYRES,
JOEL J. BAILY,
JOHN T. BAILEY,
KIRK BROWN,
GEORGE BURNHAM, JR.,
ROBERT R. CORSON,
ROBERT E. HASTINGS,
JOSEPH R. KEIM,
ARTHUR H. LEA,
LUCIEN MOSS,

T. MORRIS PEROT,
FRANCIS B. REEVES,
CHARLES RICHARDSON,
WILLIAM M. RUNK,
W. FREDERICK SNYDER,
JUSTUS C. STRAWBRIDGE,
JAMES F. SULLIVAN,
AMOS WAKELIN,
LUCIUS H. WARREN,
THEODORE WERNWAG,
WALTER WOOD.

Sub-committees.

FINANCE.

JUSTUS C. STRAWBRIDGE, <i>Chairman.</i>	
GEORGE BURNHAM, JR.,	JOSEPH R. KEIM,
LUCIEN MOSS,	ROBERT E. HASTINGS.

MEMBERSHIP.

GEORGE BURNHAM, JR., *Chairman.*

AMOS WAKELIN,	WILLIAM M. AYRES,
KIRK BROWN,	FRANCIS B. REEVES.

ABUSES AND COMPLAINTS.

JOHN T. BAILEY, *Chairman.*

T. MORRIS PEROT,	KIRK BROWN,
WILLIAM M. RUNK,	THEODORE WERNWAG,
JAMES F. SULLIVAN,	JOSEPH R. KEIM.

LAW AND LEGISLATION.

CHARLES RICHARDSON, *Chairman.*

W. FREDERICK SNYDER,	ARTHUR H. LEA,
WALTER WOOD,	GEORGE BURNHAM, JR.,
ROBERT R. CORSON,	LUCIUS H. WARREN.

ROOM AND LIBRARY.

T. MORRIS PEROT, *Chairman.*

LUCIEN MOSS,	LUCIUS H. WARREN.
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AGENT.

T. B. M. ADDIS.

To insure prompt attention, address all communications and complaints to

T. B. M. ADDIS, *Agent,*
N. W. cor Thirteenth and Arch Streets.

MEMBERS OF THE CITIZENS' MUNICIPAL ASSOCIATION.

Adams, Theodore,	833 N. Broad St.
Adamson, Charles B., . . .	730 Market St.
Alburger, John,	22 S. Sixth St.
Alderson, William C., . . .	228 S. Third St.
Allen, William H.,	113 Market St.
Andrews, B. W.,	119 Market St.
Atmore, Robert E.,	141 S. Front St.
Ayres, Louis H.,	210 Chestnut St.
Ayres, William M.,	210 Chestnut St.
Bailey, Christopher,	1128 Market St.
Bailey, John T.,	1128 Market St.
Bailey, Joseph T.,	Twelfth and Chestnut Sts.
Baily, Charles W.,	15 Bank St.
Baily, Joel J.,	719 Market St.
Baily, Joshua L.,	15 Bank St.
Baird, John,	119 S. Fourth St.
Baker, Alfred G.,	421 Walnut St.
Bancroft, J. Sellers,	1600 Hamilton St.
Barker, Eben F.,	208 S. Fourth St.
Barnes, Henry M.,	706 Sansom St.
Beck, S. C.,	807 Filbert St.
Bentley, Henry,	107 S. Third St.
Bergner, C. William,	1527 Walnut St.
Biddle, Samuel,	Twelfth and Chestnut Sts.
Bisler, G. A.,	328 Julianna St.
Blankenburg, R.,	1109 Market St.
Boldt, George C.,	Bullitt Building.
Bromley, George D.,	Adams and Jasper Sts.
Bromley, Thomas, Jr.,	York and Jasper Sts.
Brown, Kirk,	1406 South Penn Square.
Browne, W. H.,	528 Walnut St.
Browning, Edward,	10 Chestnut St.
Burnham, George, Jr.,	500 N. Broad St.
Burnham, George, Sr.,	500 N. Broad St.
Burnham, William,	220 S. Fourth St.
Burton, Arthur M.,	504 Walnut St.

Burton, Edward,	Tenth and Filbert Sts.
Butcher, Henry C.,	116 S. Third St.
Button, Conyers,	Germantown.
Cadwallader, Dr. Charles E.,	240 S. Fourth St.
Carson, Hampton L., . . .	Drexel Building.
Carter, William T.,	302 Walnut St.
Casseddy, James K.,	24 S. Fourth St.
Castle, William H.,	38 N. Fourth St.
Chambers, Francis T., . . .	712 Walnut St.
Clapp, B. Frank,	140 S. Sixth St.
Clark, Clarence H.,	141 S. Fourth St.
Clark, E. W.,	135 S. Fourth St.
Clark, Joseph S.,	Bullitt Building.
Clothier, Isaac H.,	801 Market St.
Coates, George M.,	127 Market St.
Comfort, Howard,	529 Arch St.
Converse, John H.,	500 N. Broad St.
Cope, Alfred,	Germantown.
Cope, Francis R.,	1 Walnut St.
Corbin, E. A.,	430 Walnut St.
Corson, Robert R.,	119 S. Fourth St.
Cuming, John K.,	Broad and Columbia Ave.
Cuyler, T. DeWitt,	Drexel Building.
Datz, William P.,	16 Decatur St.
Davids, Richard W., . . .	308 Walnut St.
Dechert, Henry M.,	Drexel Building.
Dissel, Charles,	1300 Chestnut St.
Donovan, Daniel,	606 Market St.
Dooner, P. S.,	23 S. Tenth St.
Dornan, William J.,	100 N. Seventh St.
Dougherty, James,	2212 Green St.
Dreer, Ferdinand J., . . .	1520 Spruce St.
Dreer, William F.,	714 Chestnut St.
Dreka, Louis,	1121 Chestnut St.
Dulles, Dr. Charles W., . .	4101 Walnut St.
Earle, Edgar W.,	816 Chestnut St.
Earle, George H., Sr., . . .	Drexel Building.
Elliot, A. G.,	30 S. Sixth St.
English, C. Davis,	Hotel Hamilton.
Fanshawe, John R.,	230 S. Third St.
Farrelly, Stephen,	614 Locust St.
Febiger, Christian C., . . .	710 Sansom St.

Field, John,	818 Market St.
Fisher, Dr. Henry M., . . .	317 S. Twelfth St.
Fletcher, George A., . . .	Twelfth and Chestnut Sts.
Fotterall, Stephen B., . . .	2001 Chestnut St.
Foulke, J. Roberts, . . .	409 Chestnut St.
French, M. S., M.D., . . .	1437 Spruce St.
Gallagher, Charles J., . . .	Tenth and Filbert Sts.
Garrett, Philip C., . . .	Logan Station.
Gazzam, Joseph M., . . .	714 Walnut St.
Gillingham, Joseph E., . . .	943 Richmond St.
Githens, Benjamin, . . .	42 S. Front St.
Graeff, John E., . . .	318 Walnut St.
Griswold, William A., . . .	7 N. Front St.
Grove, George W., . . .	216 Race St.
Gross, Henry B., . . .	2314 Wood St.
Grundy, William H., . . .	108 S. Front St.
Gutekunst, F.,	712 Arch St.
Hamilton, Charles L., }	{ William Penn P. O.,
Hamilton, Edwin E., }	{ Montgomery Co.
Harris, Geo. S. & Sons, . . .	718 Arch Sts.
Harrison, Thomas S., . . .	36th and Gray's Ferry Road.
Hastings, Robert E., . . .	819 Filbert St.
Heebner, Samuel Y., . . .	Chestnut Hill.
Heins, Lewis S.,	1911 Lombard St.
Henszey, William P., . . .	500 N. Broad St.
Hill, Charles,	203 Church St.
Houston, William C., . . .	Drexel Building.
Hutchinson, Charles Hare,	219 S. Sixth St.
Janney, Nathaniel E., . . .	608 Chestnut St.
Jenks, John Story, . . .	241 Chestnut St.
Jenks, William H., . . .	241 Chestnut St.
Jones, Owen,	801 Market St.
Jones, Thomas F., . . .	20 S. Front St.
Justi, H. D.,	32d and Spring Garden Sts.
Justice, Henry,	122 S. Front St.
Justice, Theodore, . . .	122 S. Front St.
Justice, William W., . . .	122 S. Front St.
Keebler, Godfrey,	264 N. Twenty-second St.
Keefe, Joseph I.,	35 S. Second St.
Keim, Joseph R.,	515 Market St.
Kelly, George,	810 Market St.
Kerr, Alexander,	Pier 8 North Delaware Ave.

Kingsley, E. F.,	Continental Hotel.
Kitchenman, James,	Huntingdon and Jasper Sts.
Klauder, John H. A.,	195 Huntingdon St.
Knight, Edward C., Jr.,	10 Chestnut St.
Lea, Arthur H.,	710 Sansom St.
Lea, Charles M.,	710 Sansom St.
Lea, Henry C.,	2000 Walnut St.
Leaming, Thomas,	420 Walnut St.
Lewis, Enoch,	233 S. Fourth St.
Lewis, Theodore J.,	220 S. Fourth St.
Lippincott, Charles,	925 Filbert St.
Little, Amos R.,	Aldine Hotel.
Lloyd, William J.,	22d and Washington Ave.
Longstreth, Edward,	1805 Spring Garden St.
MacVeagh, Hon. Wayne,	Bullitt Building.
Marston, John,	Bullitt Building.
Martin, Simon J.,	500 Walnut St.
Martin, Thomas J.,	125 Chestnut St.
Mason, Richard S.,	140 N. Front St.
McDowell, J. Austin,	1418 Chestnut St.
Mencke, William N.,	804 Arch St.
Mercer, George Gluyas,	Drexel Building.
Merchant, Clarke,	517 Arch St.
Merchant, Henry W.,	517 Arch St.
Merrick, J. Vaughan,	251 S. Fourth St.
Merrick, William H.,	329 Chestnut St.
Middleton, H. W.,	945 Ridge Ave.
Miles, Thomas,	1820 Arch St.
Milligan, William,	1013 Chestnut St.
Mohr, James N.,	Bullitt Building.
Monroe, John T.,	438 Market St.
Moore, Alfred,	22 N. Seventh St.
Morris, Evan,	2014 Chestnut St.
Morris, Dr. J. Cheston,	1514 Spruce St.
Moss, Lucien,	1631 Chestnut St.
Moss, Dr. William,	Chestnut Hill.
Muhr, Simon,	629 Chestnut St.
Newburger, Morris,	714 Market St.
Patterson, Robert,	Richmond and Otis Sts.
Paul, James W., Jr.,	505 Chestnut St.
Perot, T. Morris,	314 Vine St.
Peters, James,	1934 N. Front St.

Pitcairn, John,	Bullitt Building.
Platt, Charles,	232 Walnut St.
Price, Eli Kirk,	709 Walnut.
Purvis, Robert,	1601 Mt. Vernon St.
Rawle, W. Brooke,	710 Walnut St.
Read, William F.,	213 Chestnut St.
Reed, Alan H.,	918 Chestnut St.
Reeves, Francis B.,	20 S. Front St.
Reeves, Stacy,	1611 Filbert St.
Reiff, Benjamin,	130 S. Front St.
Reyenthaler, E. G.,	Thirtieth and Market Sts.
Richardson, Charles,	608 Chestnut St.
Ritchie, C. D.,	N. W. cor. 34th and Hamilton Sts.
Ritter, Philip J.,	2154 E. Dauphin St.
Runk, William M.,	1126 Chestnut St.
Santee, Charles,	532 N. Sixth St.
Schwarz, George A.,	1006 Chestnut St.
Scott, William H.,	229 S. Fifth St.
Scull, David,	125 Market St.
Sinnott, Joseph F.,	234 S. Front St.
Snyder, W. Frederick,	Fifth and Green Sts.
Starr, Dr. Louis,	1818 S. Rittenhouse Square.
Steel, Edward T.,	24 Bank St.
Steel, Henry M.,	24 Bank St.
Stetson, John B.,	Fourth and Montgomery Ave.
Stewardson, Thomas,	Chestnut Hill.
Stoer, John F.,	22 S. Sixth St.
Stokes, Francis,	Germantown.
Stokes, Samuel E.,	Bullitt Building.
Strawbridge, Edward R.,	801 Market St.
Strawbridge, Frederic H.,	801 Market St.
Strawbridge, Dr. George,	202 S. 15th St.
Strawbridge, Justus C.,	801 Market St.
Struthers, John,	1438 S. Penn Square.
Sullivan, James F.,	629 Market St.
Supplee, William W.,	503 Market St.
Swain, Joseph W.,	222 Walnut St.
Sweeting, T. Henry,	639 Arch St.
Tatham, Henry B.,	226 S. Fifth St.
Taylor, Frederick W.,	Germantown.
Teller, B. F.,	604 Chestnut St.
Teller, J. R.,	604 Chestnut St.

Thomas, Dr. Charles H., . . .	1807 Chestnut St.
Thomas, George C., . . .	Fifth and Chestnut Sts.
Thomas, Dr. J. D., . . .	912 Walnut St.
Thompson, James B., . . .	2247 Richmond St.
Thomson, Dr. William, . . .	1426 Walnut St.
Tilge, J. Henry,	306 New St.
Tillyer, Charles,	1548 Franklin St.
Tryon, Edward K., Jr., . . .	10 N. Sixth St.
Wakelin, Amos,	Bullitt Building.
Walsh, Philip J.,	28 S. Second St.
Warden, William G., . . .	Fourth and Chestnut Sts.
Warner, Redwood F., . . .	German town.
Warren, Lucius H., . . .	419 Walnut St.
Wellens, Jules,	2145 Howard St.
Wernwag, Theodore, . . .	242 Chestnut St.
Wheeler, Andrew,	400 Chestnut St.
Whelen, Edward S., . . .	1520 Walnut St.
Whitney, W. Beaumont, . .	137 S. Second St.
Wiley, James,	2640 Kensington Ave.
Williams, Edward H., . . .	500 North Broad St.
Williams, Ellis D.,	Drexel Building.
Williamson, James,	24 S. Fourth St.
Wilson, Joseph Lapsley, . .	410 Walnut St.
Wood, George,	626 Chestnut St.
Wood, Dr. H. C.,	1925 Chestnut St.
Wood, Richard,	400 Chestnut St.
Wood, Stuart,	400 Chestnut St.
Wood, Walter,	400 Chestnut St.
Wright, James A.,	307 Walnut St.
Wright, Joseph,	322 Market St.

3

FIFTH ANNUAL REPORT

OF THE

CITIZENS' MUNICIPAL ASSOCIATION

OF PHILADELPHIA.

WITH LIST OF MEMBERS, OFFICERS, AND COMMITTEES.

1891.

Organized April 20, 1886.
Incorporated April 30, 1887.

ROOMS OF THE ASSOCIATION,

N. W. COR. THIRTEENTH AND ARCH STS.

FIFTH ANNUAL REPORT
OF THE
CITIZENS' MUNICIPAL ASSOCIATION

OF PHILADELPHIA.

1891.

Organized April 20, 1886.
Incorporated April 30, 1887.

ROOMS OF THE ASSOCIATION,
N. W. COR. THIRTEENTH AND ARCH STS.

DORRAN, PRINTER,

REPORT OF THE EXECUTIVE COMMITTEE
OF THE
CITIZENS' MUNICIPAL ASSOCIATION,

*Presented at the Fifth Annual Meeting of the
Association, April 30, 1891.*

TO THE MEMBERS OF THE CITIZENS' MUNICIPAL ASSOCIATION
OF PHILADELPHIA.

GENTLEMEN: Your Executive Committee has the honor of presenting herewith an abstract of another year's earnest work. Philadelphia well illustrates the diseases possible in a body politic, their ramifications and intrenchment in the official and civic members, and the difficulty of eradication, owing to the self-interest of the few and the self-neglect of the many. The wonderful growth of the City, in spite of its parasites, suggests possibilities which encourage your Committee to persevere in its arduous task in spite of frequent apparent defeat. Even if all our efforts for justice should miscarry, we could not but feel that the moral effect of a vigilant eye and of a hand ready to interpose must act to repress intended wrong. The total outcome of our work can therefore not be computed from the results of individual cases hereafter stated. Of all our difficulties the greatest has been the attitude of the late administration, arising possibly from a basic misconception of its relation to the community which created it. Municipal government being simply a business of which the people are the owners and the administration the managers, the right of any citizen or body of citizens to advise is unquestioned, and

the value of such advice will be recognized in proportion to official ability to withstand the turmoil and glamor of temporary power. That the present administration will take this common-sense view of mutual service we have good reason to believe from practical experience. We pledge to it our faithful efforts to render its stewardship of public affairs a source of honest satisfaction to itself and of benefit to every citizen.

Great numbers of complaints have been received and investigated. Those proving well founded have been referred to the proper authorities. The larger abuses which have received attention will now be outlined.

REPAIRING AND REPAVING OF STREETS OCCUPIED BY PASSENGER RAILWAYS.

This question has received full and careful consideration in every Annual Report issued by the Association. It is only necessary to say at this time that no apparent effort was made by the authorities during the past year to compel the railway companies to do their plain duty in this matter. It is true that some of the companies have done considerable work, but not a tithe of what their contracts with the City demand. The citizens of Philadelphia cannot be too often reminded that the only price asked by the City for these enormously valuable franchises, was that the streets should be kept in thorough repair from curb to curb.

To test the question of the liability of the railway companies to repave streets occupied by them with *improved* pavements, it will be remembered that the City paved a portion of Ninth Street with Belgian blocks in 1886, and then brought suit against the railway companies to recover. This suit was decided in favor of the City in the Court of Common Pleas, and at once taken to the Supreme Court. The present status of the matter is shown in the following letter from the City Solicitor:

LAW DEPARTMENT OF THE CITY OF PHILADELPHIA,
231 S. SIXTH ST., PHILADELPHIA, April 22, 1891.

FRANCIS B. REEVES, ESQ., CHAIRMAN COMMITTEE ON LAW
AND LEGISLATION, N. W. CORNER 13TH AND ARCH
STREETS, PHILADELPHIA.

DEAR SIR : I am in receipt of your letter of the 20th inst., asking me for information as to the present condition of the suits of the City against the passenger railway companies for paving and repairing of the streets occupied by their tracks. I reply as follows :

The case of the City against the Ridge Avenue Passenger Railway Company, for repaving certain portions of Ninth Street between Race and Vine Streets with Belgian blocks, was tried before his Honor Judge Allison, and a verdict obtained for the City, the Judge deciding in our favor in every point raised in the case. The railway company immediately carried the case to the Supreme Court, and an argument was had about two weeks since. Up to this time no opinion has been delivered.

The case against the Ridge Avenue Passenger Railway Company is one in which all the important points affecting this important question are to be found, and a decision will be a precedent that will govern us in the future.

Herewith I send you a copy of our brief of argument in the case. We are looking anxiously for an opinion of the Court, and we believe it will be favorable to our cause when it comes.

Yours very respectfully,
(Signed) CHAS. F. WARWICK,
City Solicitor.

Pending the final decision of the Supreme Court the City has proceeded with the laying of improved pavements on various streets occupied by passenger railway companies, reasoning that in event of a favorable decision the expenditures would be collectible, and in event of an unfavorable decision a certain amount of necessary improvement would have been accomplished. During 1890 the City spent for

improvements upon railway streets the sum of \$285,230.02. Councils refused to appropriate any money for this purpose in 1891.

The great legal delay in this matter forcibly illustrates the need for a revised code of procedure more in keeping with the demands of the age in point of promptness. Unfortunately the agitation of 1888 for this reform seems to have been forgotten both by the public and the bar.

REPAIRS OF STREETS NOT OCCUPIED BY PASSENGER RAILWAYS.

The Association has made its usual investigation as to the repairs of streets not occupied by passenger railways, and cannot report any improvement in this matter. We have before commented on the unsatisfactory results of the system of awarding contracts for this work by the square yard instead of by the district. The present plan, though apparently fair because it is based on the principle of paying for work actually done, is in reality very unfair to the City, because it presupposes an amount of care and watchfulness on the part of her officials and inspectors which they never seem to give to the work. The contractor finds it easier and cheaper to mass his men and the work, rather than to hunt out all the bad places, and he becomes an expert in causing a very little repaving to make a very large show of new gravel on the surface. The Association has always contended that the district system is the proper one, because the contractor could be compelled to repair at least all the flagrantly bad places or forfeit his pay, though it must be said that the quality of the work would not necessarily be improved.

ASPHALT PAVING.

We believe it well to call attention again to the fact that the paving of the streets of the City of Philadelphia with sheet asphaltum is enjoyed exclusively by the Vulcanite Paving Company, consisting of Dr. L. S. Filbert, State Senator

Charles A. Porter, et al. While it is well known, and we are prepared to prove, that other responsible contractors are ready to do this work in quality equal to any that has been done in Philadelphia, and with guarantees to keep it in repair three times as long as is required of these favored bidders, such have been the influences hitherto brought to bear upon the Department of Public Works that all competition has been ruled out, and it has come to be generally understood by persons engaged in this business that bids on their part for this work would not even receive consideration. This is made apparent by the fact that during the years 1887-1890, inclusive, 74 streets were advertised for asphalt paving bids, 74 bids were furnished by the Vulcanite Paving Co., and 74 contracts were awarded to it. So strong has been the monopoly enjoyed by this company, that an ordinance to overthrow its illegal privilege was defeated in Select Council after passage through Common Council.

The following statement shows the average durability of pavements laid by the Vulcanite Paving Co.: Broad Street from Columbia Avenue to Diamond Street was laid in 1883, and has been in a notoriously bad condition for three years, though continually patched. An ordinance appropriating \$25,000 to resurface it with sheet asphaltum is now before Councils. This pavement was extended from Diamond Street to Cumberland Street between the years 1887 and 1890, and though frequently patched, it has nevertheless within this brief period fallen into deep holes in places, and even that portion most recently laid now exhibits the signs of general wear. We have received several complaints regarding it. From Glenwood Avenue to Germantown Avenue, Broad Street shows irregularities and depressions already, though the pavement was laid only last year. Diamond Street west of Broad, laid from 1885 to 1887, has been in a bad condition for two or three years, notwithstanding considerable repairing. Spring Garden Street from Broad westward was also paved in 1890, and has been repaired several times since, men being engaged at the present moment in making repairs. When the Vulcanite Com-

pany's attention was called to the eondition of the pavement on Spring Garden Street and North Broad Street, they excused themselves by stating that the oil in the asphalt was bad—a confession which should have compelled them, spontaneously or otherwise, to replae the pavement from bottom to top throughout the entire area. Federal Street was paved from Passyunk Avenue to Broad in 1889, and west of Broad in 1890. West of Broad Street there are several holes and depressions, and east of Broad it also needs repairs.

It appears therefore that there has been for several years a favored monopoly in control of the asphalt paving of Philadelphia, and that the results of its work are far below what the people had a right to expeet, in view of the present state of the art. We shall prove that no claim of ignorance or economy can be raised to affect this conspicuous charge of favoritism.

To show that the people demanded improved pavements, and why their demands have been virtually denied, it is necessary to summarize the movement resulting in the adoption of a standard pavement for the City, and to point out wherein this standard has been neglected in praetice. As early as June 13, 1884, Couneils approved an ordinance authorizing the Mayor "to obtain the written opinion of three distinguished engineers relating to improvements in street-paving." Mayor Smith nine days later appointed "Gen. Q. A. Gillmore, U. S. A., Capt. F. V. Greene, and Civil Engineer Edward P. North, three gentlemen distinguished as civil engineers," and these experts presented on July 8th their report, the payment for whieh, \$1000, would have been a wise economy if its eommon-sense recommendations had been faithfully followed. Couneils duly executed their part of the paving reform by ineorporating the report in the ordinance of June 16, 1885, an ordinance notable among other points for exeluding cobblestones from future pavements unless specifically authorized therein. This ordinance never having been repealed has been the law of the City up to the present time, yet the late Director of Publie Works violated its provisions, as is evideened by his refusal on April 9, 1890, to consider a competi-

tive bid, alleging as a reason in a letter in our possession that "under ordinance of Councils this Department has no power to do work of this kind, except as per the specifications contained in such ordinance."

In the opinion of the engineers "a foundation of concrete of the best American hydraulic cement, six inches in thickness, is indispensable for any asphalt pavement. It is, in fact, the pavement itself, the asphalt surface being merely a cushion to break the force of the travel." Councils accordingly provided that sheet asphalt pavements should have a foundation of "six inches of good hydraulic concrete."

In spite of his own disclaimer as above, the Director awarded a number of contracts for asphalt paving in 1889, and almost all those during 1890 on specifications for "Vulcanite base and binder," and during the short remainder of his term in 1891 he caused to be prepared and used solely specifications calling for "Vulcanite base and binder." This action is calculated to render it more difficult for his successor to return to a compliance with the existing law. It is almost unnecessary to state that to specify "Vulcanite" is to specify "Vulcanite Paving Co."

The charge of favoritism is corroborated by the fact that the late Director so framed these specifications as to exclude all except those bidders who could furnish "Trinidad asphalt," although this brand is only guaranteed for three years, as contrasted with the ten-year guarantee offered by those who bid to furnish a better quality of asphalt for a smaller price. The ordinance simply calls for "asphalt binding material;" Director Wagner restricted bidders to the use of "Trinidad asphalt."

It is proper here to explain that "Vulcanite base and binder" is composed of broken stone (often the previous paving of cobbles taken from the street and given to the contractor as valueless) placed on the graded earth foundation and covered with "No. 4 coal-tar distillate" in the proportion of one gallon to one square yard. On this is placed another layer of tar and smaller stone. These two layers form the "base and binder," above which the wearing surface must afterward be

laid. It may be said that the "base and binder" do not in practice receive even this specified amount of "Vulcanite," *i.e.* coal-tar, but that they are merely daubed therewith.

It is well known that coal-tar is never under any circumstances a solid, but that it is a viscid, glutinous fluid even when cold. As the foundation "is in fact the pavement itself," while the asphalt surface is "merely a cushion," it is obvious that broken stone luted with coal-tar must yield under pressure, and experience is altogether confirmatory of this fact. Everyone is familiar with the wavy appearance of even our best pavements in their early youth. They rapidly sink down to conform with all the undulations which the ill-prepared earth-bed soon assumes. The whole pavement, including stones, is therefore a fluid, inasmuch as it flows, and the colloquial name "molasses-candy" pavement is singularly characteristic of its physical qualities. On the other hand, *good* concrete is a monolith, and is immovable in whole or part. It therefore remains smooth and even, and is the only foundation allowed where the art of paving is thoroughly understood and executed with the single purpose of benefiting the community.

"Vulcanite" has not even the pretence of cheapness to palliate its inferiority. For it Philadelphia paid in 1889 \$2.35 per square yard, which price was raised in 1891 to \$2.70. Washington paid in 1888-89 for the superior pavement with concrete base, \$2.25 per square yard, stating in its specifications that no higher figure would be considered. For repairs Philadelphia paid \$3.98 per square yard, about half more than the cost of the original pavement, an important item in favor of the contractors who were even refused consideration because they could not furnish the *illegally-required* "Trinidad" asphalt, but who proposed to furnish Sicilian rock asphalt for \$2.50 per square yard, with a ten-year guarantee. Washington pays the same for repairing as for paving, namely, \$2.25.

Furthermore, Philadelphia gave her vulcanite contractors as valueless the old cobble-stones—a material which possesses the highest qualifications for the purposes of a base and which according to law should have been "hauled to the city yard or

to such places as the Director of Public Works shall direct.” That these stones possessed a high value is shown by copies of bills in our possession certifying to the re-purchase of cobblestones by the city during this period for \$1.50 per cart-load. Careful calculations made on this gift basis by competent persons show a profit of about \$1 per square yard of pavement on a bill of \$2.50, or 40 per cent.

THE PAVING OF DIAMOND STREET.

The case of the Vulcanite Paving Company *vs.* The City for the paving of Diamond Street (referred to at length in our last Report) was tried in Common Pleas Court “C,” Judge Fell, and resulted in a verdict for the plaintiff.

The defence of the City was conducted mainly by City Solicitor Warwick, and his Assistant, Mr. McMichael; the Counsel of this Association, Hampton L. Carson, Esq., was also present and aided therein.

It will be recollected that the position taken by this Association was that the ordinance of June 16, 1885 in relation to Asphalt Paving was not complied with, and that the Director of Public Works had exceeded his authority in permitting a radical divergence on the part of the Contractor from the conditions of the ordinance, but the learned Judge ruled “be that as it may the order was given by the proper officer of the City” and “that fixed the rights of the parties,” and so dismissed that portion of the case from the consideration of the jury.

A careful examination was made of the condition of Diamond Street on the day preceding the trial, and on removing the asphalt covering the mass beneath was found to be, for the most part, a loose mixture of sand and stones, showing very little more cohesion than at the examination made in August, 1889, some fifteen months previously.

But it was claimed by the plaintiff, and through the expert testimony which it presented, that the slow-setting cement which had been used had not yet had time to harden, several

of the experts claiming that it would take several years to become a solid concrete. The stage of hardness which ought to set in before the street is opened to travel will therefore not arrive until the period when, according to experience with other work of this Company, the surface is worn out. Throughout its lifetime therefore the surface will lack proper support.

The only comment which this Committee feels called upon at this time to make as to the result of this trial is, that we believe that time will justify the position taken by this Association.

DISPOSAL OF COBBLE-STONES.

The city is now replacing the old cobble-stone pavements with various improved pavements, namely, asphalt, vitrified brick, and Belgian block. During the years 1887, 1888, 1889 and 1890 the official records show that 677,893 square yards of cobble-stone pavements were so removed. The Association began an investigation in June last with a view to ascertaining what disposition was made of the old material. The law provides that such old material shall be sold at public sale, or removed to the city yards. Notwithstanding the vast quantities of such material discarded, an investigation showed that no money was turned into the city treasury from this source up to December 31st, 1890, and the city yards are almost bare of cobble-stones. Further investigation showed that the material was, in the main, given to the contractors who laid the new pavements. In the case of contractors for asphalt paving this was a valuable perquisite, as the cobbles and gutter stones were taken to the breakers and converted into the principal element in the foundation of the new work. Some of the stones were shipped to other points. Penn Street in Mount Holly, New Jersey, for example, is paved with cobblestones taken from Second Street, this city—a gift to the contractor who repaved Second Street, and sold by him to the Mount Holly contractors.

That the material in question is valuable is evidenced by the

fact that the city paid last year from \$2.34 to \$2.98 per cubic yard for broken stone delivered for macadamizing. The cost of breaking and hauling cobble-stones has been estimated at not more than \$1.40 per cubic yard, showing a gift to the contractors of from 94 cents to \$1.58 per cubic yard of cobble-stones.

The attention of the authorities was called to this matter by a letter to the Mayor dated July 2, 1890. The Director of Public Works finally wrote a letter to the Controller explaining his action, in which he admitted that the old material was given to the contractor, but claimed that the city received compensation in the reduced price of the new pavement. In view of the facts that the contracts for asphalt pavements were practically confined to one bidder, and the price paid higher than in some neighboring cities, the Director's argument that the city was really paid for the old material is hardly convincing. Washington, for example, paid last year not over \$2.25 per square yard for standard asphalt pavement with *six-inch concrete base*, while we paid from \$2.50 to \$2.70 per square yard for asphalt pavement with broken stone base, the contractor, in his bid, notifying the Department of Public Works that his price would be 25 cents higher if the city reserved the old material.

The city is still obliged to use some cobble stones for repairing mains, ditches, house connections, etc. Its extreme prodigality with this material seems to have exhausted its supplies, since the Department of Public Works was actually buying cobbles in 1890, bills having been found for "17 loads cobble stone furnished and delivered" at \$1.50 per load, and 27 loads at same price in another district.

PAVING OF INTERSECTIONS OF GIRARD AVENUE.

At the date of closing our last annual report the matter of paving the intersections of Girard Avenue from Broad to Morton Streets was pending in the courts. This Association had filed a protest with the Controller against the payment of

the contractors' claim of \$25,961.28 upon a suit of the contractors against the city to recover this amount.

In May, 1890 the case was called for trial, Hampton L. Carson, Esq., representing the Association as counsel. Your Committee had in attendance at court a large number of witnesses prepared to testify that the work had not been done in accordance with the contracts, but their main dependence in defence of the city was upon questions touching the legality of the action of the Director of the Department of Public Works in his award of the contract upon the following points:

First: That no ordinance had been passed by Councils authorizing the paving of these intersections as required by law.

Second: That no appropriation had been made and no contract had been executed until near the completion of the work.

Third: That paving of intersections was not advertised for, as required by law and ordinance.

Fourth: That the passenger railway companies were liable for the repaving of all the intersections occupied by them.

Fifth: That the action of Councils in passing an ordinance to condone the illegal action of the Director of Public Works was contrary to law.

Sixth: That the contract price was 43 cents per square yard in excess of the lowest bid for paving the market plots on the said avenue.

The City Solicitor having decided that the line of argument adopted by our counsel before the Controller, touching the validity of the ratifying ordinance of Councils could not be availed of by him without prejudice to other and larger interests of the city, our counsel advised that the whole question of the responsibility of conducting the defence should rest with the Law Department of the city.

Having given to the City Solicitor a list of the names of all the witnesses who had been subpoenaed, our Association withdrew from the case, and the contractors received the full amount of their claim.

RETAINING WALL BETWEEN RIDGE AVENUE AND MAIN STREET, NEAR WISSAHICKON STATION, MANAYUNK.

On February 7, 1890, the City of Philadelphia entered into an agreement with John Nolen to do sundry paving work on Ridge Avenue, from Main Street to the Reading Railroad tracks, near Wissahickon Station, and likewise for the building of a retaining wall to support Ridge Avenue in its rise from Main Street. This wall was to cost \$6 per linear foot, and was to be finished within ninety days, under penalty of \$5 per day for each day's delay after May 7, 1890. On October 20, 1890, Nolen filed his bill duly certified by all the neecessary authorities, and on November 8 a warrant was drawn for the sum of \$13,114.26, ineluding an item of \$2857.86 for $476\frac{31}{100}$ feet of wall at \$6. It is worthy of note that no deduction for delay was made, although the penalty due to the city therefor could not have been less than \$805. Shortly after the payment of this money a portion of the wall fell down, though well supported by certificates of the City's agents. No attempt whatever was made by Director Wagner to compel the derelict contractor to reconstruct the wall, and in spite of the fact that its collapse created no public emerгенey, the Director proceeded to have it rebuilt by day's labor and without contract upon advertisement, as required by law. Up to the present date your Assoeiation has been able to obtain only the pay-rolls from January 26 to March 7, 1891, amounting to \$1184.13, or nearly one-half the cost of the original wall, and other pay-rolls now known to be on file for approval will doubtless swell the second cost of this job to a greater figure than the first or contract price. This probability may be regarded as a certainty, in view of the faet that the workmen are not confining their efforts to reeonstruction of that portion of the wall which fell through its own weakness, but by undermining the portion which did not spontaneously fall, they are slowly extending their job throughout the entire length of the wall. The misfortune of the City has proved the fortune of the con-

tractor's family, for, while the contractor is of course absent from the repairing job, we find his son on the City's pay-rolls in the double personality of foreman and carter, either of which positions would render the other impossible to one not endowed with hereditary genius for "doubling-up." The whole matter has been brought by your Association to the attention of the present Controller, who has evinced a lively personal interest in this neat piece of jobbery. The Association may therefore congratulate the citizens in advance upon their assured satisfaction in having a part of their money either restored or exchanged for trouble to be visited upon the guilty parties.

It is proper to state that no money would have been drawn from the City treasury without a protest from your Committee if we had been able to see and examine the contract. Our search therefor during the late Controller's term of office was frustrated by a clerk, who stated that there was no contract or bill for any work of this character. Since the present Controller went into office we have procured the full information outlined above, but unfortunately too late to stop payment. The immediate removal of the clerk who acted as accomplice would be for the City's best interest.

REPAIRING BREAK IN SEWER 27TH AND BROWN STREETS.

As a result of an unusually heavy rain on August 24, 1889, the City sewer burst on Brown Street at 27th, and also at a point near 28th Street, and on 27th Street near Parrish. The falling earth swept into the sewer necessitated several artificial openings for its removal, and although the total portion rebuilt was probably less than the extreme distance joining the breaks, namely 800 feet, this figure will be allowed in the following calculations for the purpose of avoiding any appearance of unfairness. If the sewer had been well constructed originally, its superincumbent load of 25 to 30 feet of earth would have enabled it to resist vastly greater pressure. The caving-in of the street being dangerous, Chief Commissioner of Highways

George Bullock at once proceeded under orders to the work of repair without contract. Mr. Allen B. Rorke was put in charge, and completed the excavation, shoring-up and preparation of the bed for the bricklayers. For some unexplained reason Mr. Rorke was relieved on September 14th, after completing the preliminary work at a cost of \$2444.68.

The job was then put into the hands of Mr. Charles A. Porter. In his pay-roll, an item of \$19,690.62, we find Mr. Porter personally entered for 100 days, Sundays included, as Superintendent at \$10.00 per day. Some of his men made from two and a half to three days' work on one individual day. Calculating from this pay-roll the various proportions of skilled and unskilled workmen and averaging their wages at \$3.00 per day for 94 days, we find that 66 men must have been continuously engaged in or about the portion of the 800 feet which was open at any given time. When we add to these the nine carts, carters and horses, the workmen of the Highway Department and those of the Water Department, below mentioned, the aggregation must have seriously incommoded itself.

Horses, carts and carters form an additional item of \$2992.50 in Mr. Porter's charge. They performed 855 days' work on 94 days, and must therefore have mustered nine each day. As most of the material was stored beside the trench ready for dumping-in, these carts must have served chiefly by standing and waiting. For use of boilers and engine at \$10.00 per day, derrick at \$8.00, and pump at \$5.00, we find an item of \$3055. Hauling machinery to and fro costs \$168; new machinery bought, \$1165; lumber, \$813.88; rubber hose, belting, etc., \$823.50; repairs to pavements, \$523.71, and sundry items, \$2090.55, making the grand total of Mr. Porter's charges \$31,322.76.

In addition to all the above, Assistant Commissioner of Highways Walter D. Stone filed a pay-roll amounting to \$3410.57 for work done from September 1 to September 30, 1889. It is pertinent to inquire why a City employé should have had men employed in conjunction with the force of a gentleman selected to manage the job alone. Mr. Stone's

men seem to have caught the infection of activity from Mr. Porter's, as we find here likewise cases of two and three days' work done by an individual in a single day.

Furthermore, the Water Department filed a pay-roll of \$2152.16, and in addition to all the above we must include Highway Commissioner Bullock's items aggregating \$12,375.82 for materials and labor. Wall-paper to the value of \$25.00 was among the materials listed as necessary for this sewer.

Scheduling these several bills, we have:

Mr. Rorke, August 29th to September 14th . . .	\$2,444.68
Mr. Porter, September 15th to December 21st . .	31,322.56
Mr. Stone, September 1st to September 30th . .	3,410.57
Water Department	2,152.16
Mr. Bullock, August 29th to December 21st . .	12,375.82
	<hr/>
	\$51,705.79

Dividing this grand total of \$51,705.79 by 800, we find the cost per foot to be \$64.63. It is instructive to compare with this the cost of \$17.50 per foot for original construction of the sewer on 25th Street, identical in all save being sunk from 18 to 23 feet deeper. We have on file a written opinion of a well-known engineer who went over the ground shortly after the break. He "would have jumped at" a contract to do the work in three weeks for \$10,000, or \$12.50 per foot.

As the City paid at least \$12,500 for the original sewer, and repaired it afterward in 1884 for about \$20,000, it appears that the jobbery buried in these two squares has cost the City not less than \$70,000 in addition to the original cost.

REPAINTING GIRARD AVENUE BRIDGE.

The Department of Public Works asked for proposals in the summer of 1890 for repainting the bridge over the Schuylkill River at Girard Avenue. The successful bidder was J. H. Hathaway. While the work was in progress the Association received a communication stating that the work was being

badly done, and that the materials used were not such as required by the specifications.

A preliminary examination was at once made by the agent of the Association, and the work found to be deficient. A Committee of the Master Painters' Association was then requested to make a more detailed examination, which was done, their testimony being embodied in a written report to the Association. An analysis of the linseed oil used was made by an expert, showing that it contained 50 per cent. of resin and mineral oils. On September 24th the City Controller was requested in writing to withhold his signature from the warrants for this work, and the facts presented at a hearing before him on October 14th seeming to warrant such action he refused to countersign the papers, thus obliging the contractor to bring suit for his claim.

FAVORITISM IN DEPOSITING CITY MONEYS.

Notwithstanding the known weakness of the Keystone National Bank, evidenced by the run upon it in December, 1890, the City Treasurer maintained the full legal limit of deposits therein until its final closure by the Controller of the Treasury. Deeming this a matter of grave public concern, your Committee after investigation addressed a communication to Select and Common Councils on April 6, 1891, a copy of which is appended. A sub-committee of five members of the Finance Committee was accordingly appointed, and after organizing requested the Municipal Association to furnish proof as to irregularities on part of the City Treasurer. Our Executive Committee consulted Mr. John C. Bullitt, who appeared before the Committee of Councils on April 20th and presented to them a communication as to our position in this matter. This likewise being appended will complete our report of the present status of the affair. We trust that Councils will make a full investigation and will use the present occasion as an opportunity for placing the city's deposits upon a more

business-like basis. To that end an ordinance should be passed (1) compelling the City Treasurer to use only such banks for transaction of daily business as are known to be in good financial condition, and (2) stipulating that 25 per cent. of the capital and surplus shall at all times exceed the total amount of deposit, (3) reducing the total amount depositable in any bank from \$400,000 to \$200,000.

There appears to be no adequate reason why so large a depositor as the City should be denied the interest on daily balances usually paid by sound financial institutions to private depositors. Efforts to accomplish this large economy have failed in the past through influence wielded by the banks. The Finance Committee can and should effect arrangements to secure at least 2 per cent. interest, and it should furthermore instruct the City Treasurer hereafter to distribute the money in his hands more uniformly and in accordance with the existing ordinance regulating the same.

Communication to Councils relative to Deposits of City Moneys.

CITIZENS' MUNICIPAL ASSOCIATION OF PHILADELPHIA,
N. W. COR. 13TH AND ARCH STS., PHILADELPHIA, April 6, 1891.

TO THE PRESIDENT AND MEMBERS OF THE SELECT AND
COMMON COUNCILS OF THE CITY OF PHILADELPHIA.

GENTLEMEN: The Citizens' Municipal Association respectfully recommend to your honorable bodies the immediate appointment of a special committee to make a thorough investigation of the condition and circumstances of the City's deposit in the Keystone National Bank, and at the same time to make a like investigation into the condition of the City's deposits in all the other banks.

This Association is of the opinion that in view of the well-known financial condition of the Keystone National Bank for several months past, the City Treasurer appears to have been derelict in his duty in not having reduced the amounts of the City's deposits in that bank instead of increasing the same;

also, that the ordinances of Councils in relation to the City deposits have been disregarded, and that on these accounts, and for other sufficient reasons, we believe that there is an imperative demand at this time for the investigation herein called for, and that it should be made to cover all the relations of the City Treasury, and its chief officer, to any or all banks holding moneys on deposit.

On behalf and by direction of the Executive Committee of the Citizens' Municipal Association.

Yours respectfully,

JOEL J. BAILY,
Chairman.

**Statement of Mr. John C. Bullitt relative to Deposits
of City Moneys.**

I appear on behalf of the Citizens' Municipal Association, and make this statement:

The Citizens' Municipal Association felt it to be their duty to address a communication to the President and Members of the Select and Common Councils, in reference to the deposits of the City's money in the banks of the City, and especially in the Keystone National Bank. It has been a matter of public notoriety that the City has on deposit in the Keystone National Bank at the present time some \$441,554.32, and that the Keystone National Bank has been put into a state of suspension by the Controller of the Currency. It has also been well known that the deposit in the Keystone National Bank was about \$400,000 at the time of the "run" upon the bank in the month of December, 1890. The fact that the deposit has increased since that time, together with the circumstances as they have been published, have led the Association to make some investigation into the facts connected with this deposit, as also with the deposits of the City's money in other banks which have been made depositories of the City's money by ordinance of Councils.

The Association has ascertained from these investigations that in more than one instance the limit of \$400,000, fixed by

Ordinance of Councils as the extent to which deposits could be made in the banks authorized to be used for the current business of the City in depositing the daily balances, has been exceeded. To illustrate this position, it will be seen by reference to the statements of deposits toward the latter end of the month of December, 1889, that the balances in the other depositories were reduced, in many instances with the strongest banks, to \$1000; whereas, on the 31st day of December, the balance in the Keystone National Bank was \$1,107,000, or about \$700,000 in excess of the limit provided by ordinance.

It will also be found that at the close of December, 1890, the deposit in the Third National Bank was \$692,329.18, or \$292,329.18 in excess of the limit provided by ordinance. They have also ascertained upon examination, that the proportion of deposits in the other depositories has not been observed in depositing the City's money, it being provided by ordinance that these deposits shall be made in the banks which were constituted depositories, pro rata in proportion to the capital and surplus of the banks.

The fact that the City deposit in the Keystone National Bank has been increased since the "run" was made upon the bank last year, and that it now exceeds the limit fixed by ordinance for the deposit in that bank, has led the Association to believe that it was the duty of Councils to make a thorough investigation into the facts and circumstances connected with this deposit, and with the increase to which reference has been made.

That the public generally suspected the solvency of this bank was proved by the fact that the "run" was made upon it. This was undoubtedly induced by the public distrust of the solvency of the bank, and the question arises whether it was not the duty of the City Treasurer to have exercised more diligence and better judgment than was shown in continuing to make his deposits in a bank of which there was this public distrust, and especially whether he has been negligent in duty in increasing the deposit after so serious a blow was given to the credit of the bank as that of the run made upon it.

The Association feels that having thus called the attention of the Committee to the facts which they have presented, they have performed their public duty, and they now submit to the Committee whether it is their duty to the public and to the City which they represent, to make such further and thorough investigations as will enable them to arrive at the facts connected with this matter, to determine whether any responsibility rests upon any City officials in connection therewith, and whether it is expedient to adopt some action and pass some ordinance that may better protect the City's interests in this matter than experience proves has been the case in the past.

From the reply made by the Clerk of Common Councils to the communication addressed to City Councils, referred to above, it would appear that the Committee have instructed the Clerk to inform the Association that it is expected to be present before the Committee with such proofs as it may have in reference to the matters suggested in the communication.

It is impossible for the Association to produce witnesses or proofs, as they have no power to subpoena witnesses or to compel the production of books.

The Association can therefore do no more than has been done in calling the attention of Councils to the facts as known, and in submitting to them that they should make such investigations and take such action as, in their judgment, the public interests may require.

BALLOT REFORM.

THE attention of this Association was called to the subject of Ballot Reform and the Australian method of voting, during the early stages of the movement in this country, and a Committee was formed in January, 1888, to consider the question. During the summer of that year the Committee held numerous sessions in connection with a similar Committee appointed by the Civil Service Reform Association of this city, and a bill was drafted embodying the principles of the Australian method for submission to the State Legislature. The bill was

introduced by Hon. Jesse M. Baker early in the Session of 1889, and was referred to the Judiciary General Committee, receiving a favorable report, but failing of enactment.

This success, though slight, was far beyond the expectations of the Committee, as up to this time public interest had not been fully aroused in this important question. Since the Association began its work, however, the voters of the Commonwealth have fully awakened to the importance of the reform, and the entire press of the State is a unit in demanding its embodiment in our statutes. Some twenty-four States have already adopted similar laws, and with excellent results wherever elections have been held under the system.

Early in the summer of 1890, an independent body was formed under the title of the Pennsylvania Ballot Reform Association to take up the work of the Joint Committee named above. The Citizens' Municipal Association is represented in the Executive Committee of this body, and the fruit of its labors is at this writing before the State Legislature in the Baker Ballot Reform Bill, which has passed the House by a majority of 121 to 16, and is now pending in the Senate. Beyond question, Ballot Reform furnishes the key to many reforms in Municipal Government that can be approached under the present system with difficulty, if at all, because it operates to give fuller and freer expression to the will of the people at the polls, discourages bribery, if it does not render it impossible, and directly encourages independence in voting.

Any association not composed of office-holders must be greatly hampered in their search for irregularities, as the two classes of parties at fault are mutually interested in maintaining the natural advantage of secrecy possessed by those on the "inside." When abuses are once scented, the hunt though tedious is often successful, and often robbed of success well merited. Unquestionably the cases coming to the notice of your Committee are but a small proportion of the abuses which are perpetrated. The careful reader of the foregoing recitals

will therefore not wonder that we are so badly provided with the civic necessities of life, though many times paid for, but he will be astonished that we have even so inadequate a result for our money. Public plunder will continue until ballot reform comes to oust the bosses, and brings official malfeasance within the danger of easy and direct punishment by the people; and, furthermore, until complete civil service reform comes to secure capable public servants and to ensure their retention when educated to perform special duties efficiently. That in the meantime we are better and more economically governed than formerly is incontestable, yet enough dishonesty remains within reach of punishment to make lasting fame for any administration which will seize its opportunities.

It may not be amiss here to mention a few minor yet important opportunities for adding to the comfort of the people which the present City government has inherited from its predecessors. Most of the necessary legislation is already in existence.

The signs bearing street names are comparatively scarce.

House numbers are often absent, often illegible by day even if present, and in the majority of cases totally invisible by night.

Push-carts are allowed at all hours to drive pedestrians from the sidewalks of all except one or two streets. Were these carts compelled to take their proper place, *i. e.*, the streets, there would be more comfort for the largest class of our people, namely pedestrians, and every business house using this form of transportation would hasten to swell the demand for improved street paving.

Our sidewalks are still obstructed with merchandise, advertisements, packing-boxes, coal bins, old material, and all sorts of things which have no business there.

Our householders are still so badly educated as to regard the streets as fit dumping-ground. A few arrests and fines with due publicity would end this, and would show how easily the police could add to the neatness and healthfulness of the city.

Fruit-peelings still lie on the sidewalk in wait for the pedestrian. The police could easily remedy this also.

Door-steps are still allowed to make an absurd inroad into the effective width of our sidewalks, already too narrow.

Except on a few main streets, the sidewalks are in many places in a wretched or even dangerous condition. The Director of Public Works has power to relay sidewalks and to lien the property for more than the cost.

The maximum slant of sidewalks is unnecessarily great and promotive of accidents in slippery weather.

Filthy cross-pavement drainage of alleys, and cross-pavement drainage of roofs, endanger life in summer by rottenness, and in winter by ice. Comprehensive measures should at once be started to terminate this evil.

Our curbing rapidly falls out of position. Washington founds curbs on concrete. We should do likewise.

Steam users should be compelled to use condensers, a constant rainfall of condensation being disagreeable at all times and dangerous in winter.

Bituminous coal users should be compelled to burn their smoke.

Garbage and sewer-gas should be burned. Crematories at various points would not only destroy poisonous decaying material, but would furnish chimneys to draw sewer-gas through their fires, thus lessening the danger of entrance of sewer-gas into our houses. Additional combustion of sewer-gas could be secured by arrangement with owners of steam plants.

Sewer ventilation on our sidewalks and in our streets and squares should be instantly abandoned in any event.

Street railway companies are in the habit of removing crossing-stones, especially at curves. This subordination of public rights to corporation convenience should be reversed.

Paving ordinances should be amended to provide that Belgian blocks be laid with their vertical faces at an acute angle with the direction of the street instead of directly across the street. The slant prevents wheels from falling into the joints between the stones. The pavement is smoother for vehicles, and by

ceasing to deal blows it ceases to receive them, and therefore wears better. Blocks of smaller size and more regular shape should be used. Crossing-stones should be trimmed to a blunt angle and the wearing power of their joints thereby increased. Contractors should be compelled to comply with specifications in the matter of foundations, under constant supervision of honest and competent inspectors. We aver that this has not been the case up to the present year.

No care whatever is given by the City to macadamized roads in our suburban districts. The idea of economizing by such moderate outlay never yet entered the official head. "One of our sub-commissioners of Highways expressed the City's policy in a letter to a member of this Association in these words: "There is no money except for such roads as are in a dangerous condition." The fact is, that our roads generally get far past the danger line before they receive the attention of our City's wise men.

All building operations should be carried on inside the building lines as in Paris and London. By permitting such operations in the street we obstruct travel and business, and greatly add to the untidiness of our streets and houses. When builders have once accommodated themselves to the system of construction from within it is as easy and practicable as the other. At present, therefore, the streets are needlessly sacrificed.

OBITUARY.

Since the last annual meeting of the Society, William Brockie, one of the most valuable members of our Executive Committee, has been removed by death. A native of Scotland, coming to America in early life he settled in Philadelphia, and very soon became closely identified with the interests of his adopted city and country. He largely engaged in commercial affairs, and at the same time was much devoted to philanthropic and benevolent pursuits, and was ever ready to aid in promoting "whatsoever was just and true and of good report." Honorable and faithful in all his relations both public and

private, kind hearted, genial and courteous, he won and retained to the last, the confidence and respect of all with whom he was associated.

We have also to record the death, during the past year, of the following-named members of the Association, viz.: William Massey, Clayton French, Charles B. Baeder, J. E. Kingsley, and Elijah Coleman, all of them well-known and public-spirited citizens who contributed cheerfully of their time and their means in promoting whatever concerned the interests and welfare of Philadelphia.

M E M B E R S H I P.

Number of members at last report, April, 1890	253
Elected during the year	15
	—
Total	268
	—
Deceased—Charles B. Baeder, William Brockie, E. Coleman, Clayton French, J. E. Kingsley, and William Massey	6
Resignations	16
	—
Present membership	22
	—
	246

E X P E N D I T U R E S.

The expenditures of the year have been as follows, to wit:

Rent of rooms	\$500 00
Salary and wages	2141 50
Printing annual report	58 00
Other printing, stationery, postage, etc.	327 10
	—
Total	\$3026 60

By order of the Executive Committee,

JOEL J. BAILY,
Chairman.

ROOMS OF THE CITIZENS' MUNICIPAL ASSOCIATION,
N. W. cor. Thirteenth and Arch Streets.

Officers, Members and Sub-Committees *OF THE EXECUTIVE COMMITTEE.*

CHAIRMAN,
JOEL J. BAILY.

VICE-CHAIRMAN, FRANCIS B. REEVES.	ASSISTANT SECRETARY, GEORGE BURNHAM, JR;
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SECRETARY, WILLIAM HARKNESS, JR.	TREASURER, ROBERT R. CORSON.
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Members of the Executive Committee.

JOEL J. BAILY,	ARTHUR H. LEA,
JOSHUA L. BAILY,	LUCIEN MOSS,
JOHN T. BAILEY,	T. MORRIS PEROT,
GEORGE D. BROMLEY,	FRANCIS B. REEVES,
GEORGE BURNHAM, JR.,	JUSTUS C. STRAWBRIDGE,
ROBERT R. CORSON,	W. FREDERICK SNYDER,
JAMES DOUGHERTY,	JAMES F. SULLIVAN,
WILLIAM HARKNESS,	AMOS WAKELIN,
ROBERT E. HASTINGS,	GEN. L. H. WARREN,
MORRIS NEWBURGER,	THEODORE WERNWAG,
WALTER WOOD.	

Sub-committees.

FINANCE.

JUSTUS C. STRAWBRIDGE, *Chairman.*

GEORGE BURNHAM, JR., LUCIEN MOSS,	MORRIS NEWBURGER. ROBERT E. HASTINGS.
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MEMBERSHIP.

GEORGE BURNHAM, Jr., *Chairman.*

GEORGE D. BROMLEY,	JOSHUA L. BAILY,
AMOS WAKELIN,	FRANCIS B. REEVES.

ABUSES AND COMPLAINTS.

JOSHUA L. BAILY, *Chairman.*

JAMES DOUGHERTY,	JOHN T. BAILEY,
T. MORRIS PEROT,	THEODORE WERNWAG,
JAMES F. SULLIVAN,	WILLIAM HARKNESS, JR.

LAW AND LEGISLATION.

FRANCIS B. REEVES, *Chairman.*

W. FREDERICK SNYDER,	ARTHUR H. LEA,
WALTER WOOD,	MORRIS NEWBURGER,
ROBERT R. CORSON,	GEORGE BURNHAM, JR.

ROOM AND LIBRARY.

T. MORRIS PEROT, *Chairman.*

LUCIEN MOSS,	GEN. L. H. WARREN.
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AGENT.

T. B. M. ADDIS.

To insure prompt attention, address all communications and complaints to

T. B. M. ADDIS, *Agent,*
N. W. cor. Thirteenth and Arch Streets.

 MEMBERS OF THE CITIZENS' MUNICIPAL ASSOCIATION.

Adamson, Charles B., . . .	730 Market St.
Alburger, John,	22 S. Sixth St.
Alderson, William C., . . .	228 S. Third St.
Allen, William H.,	113 Market St.
Allison, William C.,	Thirty-second and Walnut Sts.
Andrews, B. W.,	119 Market St.
Atmore, Robert E.,	141 S. Front St.
Ayres, Louis H.,	711 Market St.
Ayres, William M.,	711 Market St.
Bailey, Christopher,	1136 Market St.
Bailey, John T.,	1136 Market St.
Bailey, Joseph T.,	Twelfth and Chestnut Sts.
Baily, Charles W.,	15 Bank St.
Baily, Joel J.,	719 Market St.
Baily, Joshua L.,	15 Bank St.
Baird, John,	119 S. Fourth St.
Baker, Alfred G.,	421 Walnut St.
Bancroft, J. Sellers,	1600 Hamilton St.
Barker, Eben F.,	208 S. Fourth St.
Barnes, Henry M.,	706 Sansom St.
Beck, S. C.,	807 Filbert St.
Bentley, Henry,	107 S. Third St.
Bergner, C. William,	1527 Walnut St.
Biddle, Samuel,	Twelfth and Chestnut Sts.
Bisler, G. A.,	328 Juliana St.
Blankenburg, R.,	1109 Market St.
Boldt, George C.,	Bullitt Building.
Brainerd, Erastus,	27 S. Seventh St.
Bromley, George D.,	Adams and Jasper Sts.
Bromley, Thomas, Jr.,	York and Jasper Sts.
Browne, W. H.,	528 Walnut St.
Burnham, George, Jr.,	500 N. Broad St.
Burnham, George, Sr.,	500 N. Broad St.
Burnham, William,	220 S. Fourth St.
Burton, Arthur M.,	504 Walnut St.
Burton, Edward,	Tenth and Filbert Sts.
Butcher, Henry C.,	116 S. Third St.

Button, Conyers,	Germantown.
Cadwallader, Dr. Charles E.,	240 S. Fourth St.
Carson, Hampton L., . . .	Drexel Building.
Carter, William T., . . .	302 Walnut St.
Cassedy, James K., . . .	24 S. Fourth St.
Castle, William H., . . .	38 N. Fourth St.
Chambers, Francis T., . .	712 Walnut St.
Clapp, B. Frank,	140 S. Sixth St.
Clapp, Nathan T., . . .	1726 Chestnut St.
Clark, Clarence H., . . .	141 S. Fourth St.
Clark, E. W.,	135 S. Fourth St.
Clark, Joseph S.,	Bullitt Building.
Clothier, Isaac H., . . .	801 Market St.
Coates, George M., . . .	127 Market St.
Coleman, Henry P., . . .	328 Chestnut St.
Comfort, Howard,	529 Arch St.
Converse, John H., . . .	500 N. Broad St.
Cope, Alfred,	Germantown.
Cope, Francis R.,	1 Walnut St.
Corbin, E. A.,	430 Walnut St.
Corson, Robert R., . . .	119 S. Fourth St.
Cuming, John K.,	Broad and Columbia Ave.
Cuyler, T. DeWitt,	Drexel Building.
Dallas, George M.,	263 S. Fourth St.
Datz, William P.,	16 Decatur St.
Dechert, Henry M., . . .	Drexel Building.
Dissel, Charles,	1300 Chestnut St.
Donovan, Daniel,	606 Market St.
Dooner, P. S.,	23 S. Tenth St.
Dornan, William J., . . .	100 N Seventh St.
Dougherty, James,	2212 Green St.
Dreer, Ferdinand J., . . .	1520 Spruce St.
Dreer, William F., . . .	714 Chestnut St.
Dreka, Louis,	1121 Chestnut St.
Dulles, Dr. Charles W., . .	4101 Walnut St.
Earle, Edgar W.,	816 Chestnut St.
Earle, George H., Sr., . .	Drexel Building.
Elliot, A. G.,	30 S. 6th St.
Evans, Nelson F.,	Drexel Building.
Eyre, Lincoln L.,	927 Chestnut St.
Fanshawe, John R., . . .	230 S. Third St.
Farrelly, Stephen,	614 Locust St.

Febiger, Christian C., . . .	706 Sansom St.
Field, John,	818 Market St.
Fisher, Dr. Henry M., . . .	317 S. Twelfth St.
Fletcher, George A., . . .	Twelfth and Chestnut Sts.
Fotterall, Stephen B., . . .	2001 Chestnut St.
Foulke, J. Roberts,	409 Chestnut St.
Gallagher, Charles J., . . .	Tenth and Filbert Sts.
Garrett, Philip C.,	Logan Station.
Gazzam, Joseph M.,	714 Walnut St.
Gillingham, Joseph E., . . .	943 Richmond St.
Githens, Benjamin,	42 S. Front St.
Graeff, John E.,	318 Walnut St.
Griswold, William A., . . .	7 N. Front St.
Grove, George W.,	216 Race St.
Gross, Henry B.,	2314 Wood St.
Grundy, William H.,	108 S. Front St.
Gutekunst, F.,	712 Arch St.
Hamilton, Charles L., . . .	1001 Chestnut St.
Hamilton, Edwin E., . . .	1001 Chestnut St.
Hare, Rev. G. Emlen, D.D.,	1013 Clinton St.
Harkness, William,	247 S. Third St.
Harrah, Charles J.,	858 N. Broad St.
Harris, George S.,	718 Arch St.
Harrison, Thomas S.,	36th and Grays Ferry Road.
Hastings, Robert E.,	819 Filbert St.
Heebner, Samuel Y.,	Chestnut Hill.
Heins, Lewis S.,	1911 Lombard St.
Henszey, William P.,	500 N. Broad St.
Hill, Charles,	203 Church St.
Houston, William C.,	1224 Chestnut St.
Hutchinson, Charles Hare, .	219 S. Sixth St.
Janney, Nathaniel E.,	608 Chestnut St.
Jenks, John Story,	241 Chestnut St.
Jenks, William H.,	241 Chestnut St.
Jones, Owen,	801 Market St.
Jones, Thomas F.,	20 S. Front St.
Justi, H. D.,	32d and Spring Garden Sts.
Justice, Henry,	122 S. Front St.
Justice, Theodore,	122 S. Front St.
Justice, William W.,	122 S. Front St.
Keebler, Godfrey,	264 N. Twenty-second St.
Keefe, Joseph I.,	35 S. Second St.

Keim, J. R.,	515 Market St.
Kerr, Alexander,	Pier 8, North Delaware Ave.
Kingsley, E. F.,	Continental Hotel.
Kitchenman, James,	Huntingdon and Jasper Sts.
Klauder, John H. A.,	195 Huntingdon St.
Lea, Arthur H.,	706 Sansom St.
Lea, Charles M.,	706 Sansom St.
Lca, Henry C.,	2000 Walnut St.
Leaming, Thomas,	420 Walnut St.
Lewis, Enoch,	233 S. Fourth St.
Lewis, Theodore J.,	220 S. Fourth St.
Lippincott, Charles,	925 Filbert St.
Little Amos R.,	Aldine Hotel.
Lloyd, William J.,	503 Market St.
Longstreth, Edward,	1805 Spring Garden St.
MacVeagh, Hon. Wayne,	Bullitt Building.
Martson, John,	Bullitt Building.
Martin, Simon J.,	500 Walnut St.
Martin, Thomas J.,	125 Chestnut St.
Mason, Richard S.,	140 N. Front St.
McCullagh, Robert, P.,	5511 Germantown Ave.
McDowell, John A.,	1418 Chestnut St.
McHenry, James O.,	113 Walnut St.
Mencke, William N.,	804 Arch St.
Mercer, George Gluyas,	Drexel Building.
Merchant, Clarke,	517 Arch St.
Merchant, Henry W.,	517 Arch St.
Merrick, J. Vaughan,	251 S. Fourth St.
Merrick, William H.,	1012 Filbert St.
Middleton, H. W.,	945 Ridge Ave.
Miles, Thomas,	1820 Arch St.
Milligan, William,	1013 Chestnut St.
Mohr, Janes N.,	Bullitt Building.
Monroe, John T.,	438 Market St.
Moore, Alfred,	22 N. Seventh St.
Morris, Evan,	2014 Chestnut St.
Morris, Dr. J. Cheston,	1514 Spruce St.
Moss, Lucien,	1631 Chestnut St.
Moss, Dr. William,	Chestnut Hill.
Muhr, Simon,	629 Chestnut St.
Newburger, Morris,	714 Market St.
Patterson, Robert,	Richmond and Otis Sts.

Paul, James W., Jr.,	505 Chestnut St.
Perot, T. Morris,	314 Vine St.
Peters, James,	1934 N. Front St.
Pitcairn, John,	2008 Spring Garden St.
Platt, Charles,	232 Walnut St.
Porter, W. W.,	623 Walnut St.
Price, Eli Kirk,	709 Walnut St.
Purvis, Robert,	1601 Mt. Vernon St.
Rawle, W. Brooke,	710 Walnut St.
Read, William F.,	213 Chestnut St.
Reeves, Francis B.,	20 S. Front St.
Reeves, Stacy,	1611 Filbert St.
Reiff, Benjamin,	130 S. Front St.
Reyenthaler, E. G.,	Thirteenth and Market Sts.
Richardson, Charles,	610 Chestnut St.
Ritchie, C. D.,	N. W. cor. 34th and Hamilton Sts.
Ritter, Philip J.,	2154 E. Dauphin St.
Runk, William M.,	1126 Chestnut St.
Santee, Charles,	532 N. Sixth St.
Schwarz, George A.,	1006 Chestnut St.
Scott, William H.,	229 S. Fifth St.
Scull, David,	125 Market St.
Sinclair, William M.,	222 Arch St.
Sinnott, Joseph F.,	234 S. Front St.
Smiley, John,	1307 Market St.
Snyder, W. Frederick,	Fifth and Green Sts.
Starr, Dr. Louis,	1818 S. Rittenhouse Square.
Steel, Edward T.,	24 Bank St.
Steel, Henry M.,	24 Bank St.
Stetson, John B.,	Fourth and Montgomery Ave.
Stewardson, Thomas,	Chestnut Hill.
Stoer, John F.,	22 S. Sixth St.
Stokes, Francis,	Germantown.
Stokes, Samuel E.,	Bullitt Building.
Strawbridge, Edward R.,	801 Market St.
Strawbridge, Frederic H.,	801 Market St.
Strawbridge, Dr. George,	202 S. 15th St.
Strawbridge, Justus C.,	801 Market St.
Stroud, William C.,	500 N. Broad St.
Struthers, John,	1438 S. Penn Square.
Sullivan, James F.,	410 Market St.
Supplee, William W.,	503 Market St.

Swain, Joseph W.,	222 Walnut St.
Sweeting, T. Henry,	639 Arch St.
Tatham, Henry B.,	226 S. Fifth St.
Taylor, Frederick W.,	Germantown.
Teller, B. F.,	601 Chestnut St.
Teller, J. R.,	601 Chestnut St.
Thomas, Dr. Charles H.,	1807 Chestnut St.
Thomas, George C.,	Fifth and Chestnut Sts.
Thomas, Dr. J. D.,	912 Walnut St.
Thompson, James B.,	2247 Richmond St.
Thomson, Dr. William,	1426 Walnut St.
Tilge, J. Henry,	306 New St.
Tillyer, Charles,	1548 Franklin St.
Tryon, Edward K., Jr.,	10 N. Sixth St.
Wakelin, Amos,	Bullitt Building.
Walsh, Philip J.,	28 S. Second St.
Warden, William G.,	Fourth and Chestnut Sts.
Warner, Redwood F.,	Germantown.
Warren, Gen. L. H.,	419 Walnut St.
Weaver, John J.,	Seventh and Filbert Sts.
Wellens, Jules,	2145 Howard St.
Welsh, Herbert,	1305 Arch St.
Wernwag, Theodore,	242 Chestnut St.
Wheeler, Andrew,	400 Chestnut St.
Whelen, Edward S.,	1520 Walnut St.
White, Dr. J. W.,	Twelfth and Chestnut Sts.
Whitney, W. Beaumont,	137 S. Second St.
Wiley, James,	2640 Kensington Ave.
Williams, Edward H.,	500 North Broad St.
Williams, Ellis D.,	Drexel Building.
Williamson, James,	24 S. Fourth St.
Wilson, Joseph Lapsley,	410 Walnut St.
Wood, E.,	1237 Girard Ave.
Wood, George,	400 Chestnut St.
Wood, Dr. H. C.,	1925 Chestnut St.
Wood, Richard,	400 Chestnut St.
Wood, R. Francis,	220 S. Fourth St.
Wood, Stuart,	400 Chestnut St.
Wood, Walter,	400 Chestnut St.
Wright, James A.,	307 Walnut St.
Wright, Joseph,	322 Market St.

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Second Annual Report —OF THE— Citizens' Municipal Association —OF— Philadelphia.

CHARTER, LIST OF MEMBERS, OFFICERS
AND COMMITTEES.

1888.

Organized April 20, 1886. Incorporated April 30, 1887.

PHILADELPHIA:
ROYAL PRINTING COMPANY,
10th and Filbert Sts.

Second Annual Report
—OF THE—
Citizens'
Municipal
Association
—OF—
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ROYAL PRINTING COMPANY,
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Report of the Executive Committee to the
Citizens' Municipal Association of Philadel-
phia, presented at their Second Annual Meet-
ing at the Union League, April 30th, 1888.

To the Members of the Citizen's Municipal Association.

GENTLEMEN:—The Executive Committee respectfully submit the following report of their labors for the past year.

At the last Annual meeting your Committee congratulated the Citizens at large upon the new departure in the Municipal Government by the inauguration of the present Mayor, and his appointment of the heads of the different Departments under the new City Charter, and having regard for the great difficulties and perplexities which had grown out of the demoralized system which the new incumbents encountered upon assuming their respective positions, we assured them of our cordial sympathy and active support, in the discharge of their onerous duties. This assurance we have endeavored to make good, carefully noting the development of the plans of the new administration, welcoming every measure which promised amendment of the deficiencies of the past or promotion of the City's improvement and prosperity, and refraining from criticism or objection excepting where duty seemed to necessitate it; and we take pleasure in acknowledging the courtesy which has always been extended us, in all our intercourse with his Honor, the Mayor, and with the heads of the several Departments generally.

It has been the care of your Committee to keep strictly to the purpose set forth in the constitution of the Association as follows:

1st.—To sustain the constituted authorities in a faithful administration of the public service.

2nd.—To secure a strict fulfillment by public officers, employees and contractors, of all their obligations to the City and to the Citizens.

3rd.—To promote such legislation as shall be most conducive to the public welfare.

COMPLAINTS.

Hundreds of complaints have been received by us, and on a great variety of subjects, from property owners and residents in almost every section of the City.

The complaints have been carefully examined, and their correctness verified so far as possible, before forwarding them to the proper authorities. Where contractors failed to do their work properly, and made no attempt to repair their neglect after having had their attention called to it, as well as in instances where work had been completed without regard to the requirements of the contract, the City Controller was notified by us, and in many instances the payment of the money was stopped, until the contracts were fully complied with. In other instances where work had not been done according to contract, and payment has been stopped, the contractors have entered suit against the City. Some of the cases have been decided, and others are still pending. The particulars of a few of the more important cases are herewith presented.

1st.—*Rebuilding Thorps Lane Bridge.* Tried in Court No. 4, October, 1887. Verdict in favor of the Contractor.

In this case the Judge [Wilson] said in the course of the trial that the approval of the head of a department bound the City, and that if the City selected irresponsible men for the heads of Departments, the City must bear the consequences.

This opinion is in direct conflict with the ruling of another Court, viz:— Common Pleas No. 3, [Judge Fin-

letter]. In the case of McMahon vs The City, for repairing Roads and Bridges in the 24th Ward in 1885.

In this case a protest had been entered with the City Controller against the payment of McMahon, notwithstanding the highway officials had approved his bill. The learned Judge charged the jury as follows : "A contractor cannot recover unless he has performed all the requirements of his contract and specifications ; it is not enough for him to show that he did the work to the satisfaction of the Highway Department, or to the satisfaction of the Controller of the City. If the evidence of all the witnesses for the defendant can be believed, then the plaintiff has not performed his contract, and he should not recover, and the verdict should be for the defendant. To permit him to recover, if these facts be true, would be simply to fleece the City under the forms of written contracts and a judicial proceeding. Every good citizen should feel it to be his duty to protect the city from such fraud. At all events, it is his right to do so, and when he exercises this right he deserves the commendation of all good citizens and should not be subject to reproach."

2d.—*Paving of Gay street, Manayunk, with Belgian blocks.* Michael O' Rourke, contractor.

This case was alluded to in our last annual report, and by agreement of counsel was referred to an examiner. Court appointed Henry C. Terry, Esq., who heard the case, and decided against the City, going quite out of his way to censure our committee and its agent for endeavoring to protect the interests of the City.

How this case appeared to an impartial observer, may be gathered from an editorial of the *Public Ledger* of February 7th, 1888.

[See appendix A].

3d.—*Repairing Otsego Street with cobble stones in 1886* which by agreement was referred to an examiner, came up in Court No. 2.

In this case the court appointed James Alcorn, Esq., as referee, who after hearing Mr. John T. Bailey and our agent Mr. Addis, refused to receive any more testimony as to the quality of the work, and ruled that the approval of the bill by the Chief Commissioner of Highways bound the City.

On examination of the bill it was found that it had not been approved by that officer. The witnesses then gave a description of the improper manner in which the work was done, and of the bad condition of the street in a short time after the repairs were completed.

The referee then ruled that the witnesses for the City could only testify as to the quantity and not as to the quality of the work done, and adjourned the meeting, notwithstanding a number of our committee and other citizens were present prepared to testify on behalf of the City.

A few weeks after this another meeting was held at the office of the referee when the bill for the work was again presented, bearing the signature of the Chief Commissioner [McDonald]; he having approved the same since the last meeting *and one year after the work was done.*

No witnesses for the City were present nor were they notified of this meeting, and the hearing was at once closed.

In a few days the referee filed his report in favor of the contractor, and at our request exceptions thereto were filed by Assistant City Solicitor, McMichael.

Before any further action was taken in the matter by Court, our committee notified Mayor Fitler of the action of the Chief Commissioner of Highways in signing the contractor's bill while the case was pending, thereby aiding the contractor in taking money from the City Treasury, which he was not entitled to receive.

In a few days after our presentation of this case to the Mayor, Chief McDonald withdrew his approval of the contractor's bill. The contractor has not yet received his money, and the case will command the further attention of the committee.

The communication to the Mayor in reference to the above case will be found in appendix B.

4th.—*Macadamizing Moyamensing Avenue, [M. C. Hong Contractor.]* Referred to at length in last report.

This work was claimed to have been completed and the last bill approved by Chief Commissioner McDonald, and Director of Public Works Gen'l. Wagner, about May 1st 1887.

Our committee had very carefully inspected the work at various stages of its progress, and finding that it was being done in a very defective manner, and not according to contract, filed a protest with the City Controller against the payment of the bills.

In July 1887 the case was heard before the Controller, several days being occupied in taking testimony on behalf of the contractor, and the City.

The Controller held the matter under advisement for some time, but before the announcement by him, of any decision, the Director of Public Works withdrew his approval, and also requested the Controller, to return him the bills, which was done.

On January 9th of this year, the case was called for trial in Court No. 2. [Judge Hare] and occupied the attention of the Court for two weeks.

City Solicitor Charles F. Warwick, Esq., and his assistant Charles B. McMichael, Esq., defended the City in a very able manner.

A considerable number of members of your Executive Committee, who had personally examined the road in the course of its construction, were daily in attendance during the trial, and they as well as a number of other citizens appeared as witnesses for the City.

In the charge to the Jury the Judge very carefully reviewed the testimony in the case, and the points of law relating thereto; and especially enforced the obligation of contractors, and spoke in commendation of the action of

citizens who interested themselves to see that contracts with the City were faithfully fulfilled.

The result of the trial was a verdict in favor of the plaintiff for about \$9,000 less than the amount of his claim, which we regard as an important victory; not only on account of the money saved to the city, but because of the salutary influence it is likely to exert on contractors generally, and the encouragement it will give to citizens who are willing to give their time for the benefit of the City.

The case and its results is referred to, in an editorial in the *Public Ledger* of January 23rd. [See appendix C.]

STREET RAILWAYS.

In April 1887, when the present Director of Public Works was appointed, the streets occupied by the Passenger Railway Companies were in a very bad condition. Very little disposition having been shown by the different Commissioners of Highways for some years previous, to compel these companies to comply with the law, by repairing and keeping in good repair from curb to curb, the streets used by them.

In the early part of June, 1887, an inspection of the streets used by these Companies was made under our direction, and it was found that very little work was being done, and the streets were in very bad condition.

By numerous complaints from citizens the attention of the Committee was again called to the neglected condition of the streets occupied by the Passenger Railway Companies, and the Executive Committee, at its meeting on June 15th, 1887, adopted the following resolution, a copy of which was sent to Director Wagner :

RESOLVED, That this Committee respectfully request the Director of Public Works to enforce the law, requiring City Passenger Railway Companies to repair all the streets upon which the tracks of said Companies are laid.

In the course of the summer the Traction Company relaid with Belgian Blocks that portion of Chestnut street from Third to Sixth street, and also one square on Ninth street; but besides this neither the Traction Company nor any other Street Railway Company, either relaid or repaired any considerable portion of the streets occupied by them, excepting the portion between their tracks; and the condition of the streets continues to be very bad, and the occasion of many complaints.

In the latter part of August and the beginning of September, we caused a thorough inspection to be made of nearly all the streets of the City occupied by the Railway Companies, and report thereof was made covering nearly 50 pages (type writing), giving in detail a description of the condition of said streets, and showing that there had been a gross neglect on the part of the Railway Companies to comply with the ordinances of Councils. After very careful verification of the statement made in this report, it was adopted by your Committee, and a copy thereof accompanied by a letter from the Chairman of the Committee, was sent to Mayor Fitler.

No response to this letter has ever been received, but the Committee has been informed, that the report was referred by the Mayor to Director Wagner.

(See letter in appendix D.)

We have no knowledge that any effort was made by the proper authorities to secure from the Railway Companies a compliance with the law, but we do know and have with regret to report, that there was no apparent change in the action of the Railway Companies, and the streets continued throughout the autumn and winter in very bad, and in many places dangerous, condition. Ample time was afforded after our report was made to have put the streets in good repair before the setting in of frost, but it was not done. If climatic conditions interfered with repairs during the winter, no such excuse can be offered at this time.

A large portion of the streets occupied by the Railway Companies, are now in a wretched and dangerous condition, and are a disgrace to the city. Some of them are well nigh impassable, by reason of deep ruts and holes, as well as loose stones upon the surface.

Even Market street, upon which the City expended exceeding \$150,000 in paving with Belgian blocks, is full of holes and ruts, very seriously to the detriment of the business of that street, and on no part of it is there at this date any attempt being made at repairs.

The obligations of the Street Railway Companies to repave and keep in repair from curb to curb the streets occupied by them, is clearly determined by Ordinance, and has been often emphasized by the Courts.

Section 3 of the Ordinance regulating Passenger Railways in the City of Philadelphia, passed July 7th, 1887, says:

"The railway companies asaforesaid shall be at the entire cost and expense of maintaining, paving, repairing, and repaving that may be necessary upon any road, street, avenue or alley occupied by them."

Although printed with last Annual Report we think it of sufficient importance, to issue again the opinion of Judge Thayer, also that of City Solicitor Warwick. [See Appendix E.]

The suit of the City against the Ridge Avenue, and the Union Passenger Railway Companies, brought to compel these companies to repave Ninth street with Belgian blocks, has not been lost sight of by your Committee, as will appear from our correspondence with the City Solicitor. [See Appendix F.]

STREETS NOT OCCUPIED BY RAILROADS.

Other streets not occupied by the Railway Companies are now, and have been for a long time in equally bad condition, and although the season has already far advanced, very little repair is being done.

Were only the cobble stone pavements the subjects of complaint, there would be a partial excuse in consequence of the great difficulty in keeping them in proper repair, but the complaints are not confined to them, but apply also to the Belgian block pavements, which are, in many instances, wholly neglected. Nor is there much hope that streets of any material, will ever be kept in proper order, until there is a radical change in the manner of letting contracts, as well as in securing their honest fulfillment.

CONTRACTS FOR REPAIRS.

Reference was made in the last Annual Report, to the practice then in vogue, of contracting for repairs by the square yard.

The views expressed by us at that time, have been confirmed by further observation. Where contracts are made by the square yard it is the duty of the Surveyor to make the measurements of the portions repaired, before the surface is covered, but we have evidence that this duty is not always observed, and that a covering of gravel or yellow loam is thrown over the surface before measurement is made, when it is difficult, if not impossible, for any one but the contractor to know, to what extent repairs have been done.

It is made the interest of the contractor to take up and relay as large a portion as possible, in one locality, rather than distribute his workmen where repairs may be most needed, and in this way the appropriation is likely to be exhausted, before the whole of the district receives attention.

We believe that contracts should be made by the Ward or District for specified sums, obliging the contractor to repair and keep in repair every street within the Ward or District, for the whole year covered by his contract.

Before the contracts were given out for this year, a Sub-Committee of our Association had an interview with the Mayor and Director of Public Works in reference to the

general subject of street repairs, and laid before them the views above recited, urging that contracts should be made by the Ward or District, but we regret to say that the contracts have again been given out by the square yard.

There has also been laxity in enforcing street paving contracts as to the character of the work done and the material used. On this account a great deal of the work done early last season was just as much in need of it again before the autumn.

The streets in many parts of the city were carefully examined last year by several members of our Committee, while repairs were being made.

HOW STREET PAVING IS DONE.

From a statement made by one of our Sub-Committee who inspected portions of the First Ward in June last, we make the following extract :

"On Second street below Mifflin, as we came near where repairs were going on, the cobble stones having been removed, the men were loosening the street bed, which was chiefly loam or refuse with their picks. As soon as our approach was observed by the foreman there was a change of operations, and the men quickly dropped their picks, and seizing their shovels began to scatter some gravel.

"This was done to a depth not exceeding one inch and the paving proceeded. We noticed that in repairing they were careful not to remove the stones within a foot or two of the curb, no matter how bad the condition, thus escaping the obligation to keep the street in repair for three years, which is required by Ordinance, where the street is relaid from curb to curb. Although this street was paved in 1886 it is in a wretched condition now, and is likely to be just as badly in need of repair a year hence.

"On Mifflin Street below Second the case was, if possible, even worse. The paving had been laid originally upon loam or clay, no appearance whatever of gravel, and

instead of excavating this to the depth of eight inches, and filling in with gravel, as required by contract, there was only a thin coating spread over the surface, scarcely sufficient to hide the bed of loam and refuse. The stones instead of being placed upright and close together, were most of them laid on an incline, or on their sides. Such work will hardly last a single month to say nothing of a year. It is a sheer waste of public money and an outrageous imposition on the tax payers."

Your committee believe that this is a fair statement of the manner in which a large portion of the street repairing is done.

The amount of money appropriated by Councils to that purpose we believe to be sufficient to keep the streets in reasonably good condition, but we believe that this condition can never be reached under the present loose administration of the Highway Department, which fails to secure from contractors the honest fulfillment of their obligations and retains in office subordinates, who have proved their unfitness.

STEALING A STREET.

In August last, the attention of the Committee was called to a most extraordinary neglect on the part of the Highway Department to protect the property of the City. The owner of a quarry on Front Street, south of Allegheny Avenue, had excavated out into the highway [Front Street] about one-third of its width extending longitudinally more than one hundred feet, and to the depth of about twenty feet, destroying the sidewalk entirely and rendering the remaining part of the roadway very dangerous to travel. The stone which had been quarried out from under the street was hauled away by the quarryman, and appropriated to his own use. This depredation upon the City property had been permitted to go on for several months, with the knowledge of the Assistant Commissioner of Highways who lived in the vicinity, but who does not appear to have made any

attempt to prevent it. The agent of our Association examined the matter, and reported it to Director Wagner. See letter of Agent Addis of August 10th. [APPENDIX G.]

The further quarrying of the stone was soon stopped, and the excavation has been partially filled in, but neither the roadway or the sidewalk have been restored to their original condition.

The quarryman has not yet been punished for his depredation, and the Highway Commissioner is not only retained in office, but has been given the supervision of a still larger district.

STREET WIDENING.

Your committee has given considerable attention, during the last year, to the enforcement of the Ordinance of Councils, in reference to the widening of Chestnut and Arch Streets, and the prevention of encroachments thereon.

We were successful in compelling the owners of the following properties to set their new buildings back to the newly established line, to-wit :

Building 1004 Chestnut Street.

Building 1624 Chestnut Street.

Building N. W. Cor. 17th and Chestnut Streets.

Building S. E. Cor. 9th and Arch Streets.

And also in securing the removal of an Oriel window from the building 610 Chestnut Street.

We cheerfully acknowledge the aid rendered in these cases by City Solicitor Warwick and his assistant, Mr. McMichael, and also the readiness of His Honor, Mayor Fitler, to grant our committee every encouragement and aid in compelling the observance of the ordinances in reference to the widening of the streets.

Within a few days our attention has been called to a breach of the Ordinance, prohibiting the erection of wooden buildings in certain limits, there having been recently completed on 46th Street below Woodland Avenue, 18 buildings

in one block, the back walls and sides of which are wholly of wood.

Our agent having verified the correctness of the complaint, it has been forwarded to the Mayor.

In our judgment, proper vigilance on the part of the Building Inspectors would have rendered unnecessary any interference by our committee in either of the cases above referred to.

In the course of the year complaints have been sent to our committee from residents and property owners on streets in different parts of the city, which were being paved under contract with Belgian blocks, representing either that the street had not been graded to the proper depth, or that loam or other unsuitable material had been used instead of gravel, and that no rolling or ramming had been done to the bed of the street, and that in these and other particulars, contracts have been disregarded.

In each instance the streets so complained of have been carefully examined by the agent or members of the Committee. Wherever the complaints have been found to be well founded, the Director of Public Works, as well as the City Controller have been notified.

In some cases better work had been secured to the satisfaction of the complainants, but in other instances where no amendment was made by the contractor, payment has been stopped.

Several of the cases are still pending.

PROPOSED LEGISLATION.

Recent legislation in England and in some of the Western States in regard to nominations and elections and limiting expenditures of candidates for public offices, having been carefully investigated by our Committee, it has been deemed advisable that our Association should promote the enactment of similar laws by the Legislature of Pennsylvania, and the subject has been referred to a special com-

mittee, who will co-operate with a committee of the "Civil Service Reform Association, of Philadelphia," appointed for the like purpose.

MEMBERSHIP.

The membership of the Association at the time of the last meeting was.....	113
Elected since that date.....	<u>19</u>
	Total, <u>132</u>
Deaths during the year [Chas. Spencer, Jas. S. Mason, Evan Randolph & Dr. John K. Lee].....	4
Resignations.....	3
Dropped for non-payment of dues.....	<u>2 9</u>
Present membership.....	<u>123</u>

EXPENDITURES.

Expenses of the year, ending April 1st, have been as follows :

Salaries and wages.....	\$2,213.64
Rent.....	270.00
Furniture.....	81.10
Type-writer.....	100.00
Printing, Stationery, Postage, and Incidentals.....	<u>530.26</u>
	Total..... <u>\$3,195.00</u>

This money we believe has been wisely expended, and cannot be looked upon as a very large sum when it is considered that nearly thrice the amount expended in the last year, was saved to the city through the efforts of the Association in a single case.

REMOVAL.

The building No. 927 Chestnut street in which the office of the Association was located having been sold, we were obliged to vacate, and on August 2nd. [1887], we removed to No. 1303 Arch Street, second floor, where we have two communicating rooms one of which is used for an office and the other for the meetings of the Executive and other Committees.

On behalf of the Executive Committee.

JOEL J. BAILY, *Chairman.*

Philadelphia, April 27th, 1887.

APPENDIX A.

Public Ledger, February 7th, 1888.

JUDGE HARE vs. REFEREE TERRY.

Referee Henry C. Terry, when he writes of the Citizens' Municipal Association as a self-elected conservator of the business interests of Philadelphia in its dealings with contractors and of its agent, Mr. Addis, as a sort of spy, betrays a bias in the matter that quite unfits him to serve as referee. The Citizens' Municipal Association simply does a duty that should devolve upon all citizens.

It is the tax-payers, who employ contractors and pay them—they have a right to and should insist upon good work. The heads of departments are simply agents of the tax-payers in making contracts and having the work done, and if their employer cannot trust them, but has to employ other agents to get good work done, that is the fault of the heads of the departments.

As the most effective comment upon the loose expressions of Mr. Referee Terry, we append what Judge Hare said to a jury, January 20th of this year, in Court of Common Pleas No. 2, concerning the Citizens' Municipal Association and its agent, Mr. Addis: "Any body of men in this country who choose to band themselves to pursue a good object, especially to promote public order and enforce public morality, should rather be encouraged than frowned upon; for, inasmuch as this republic is a government of the people, if the best minds pay no attention to public affairs the end of the republic is near at hand. So no reflection should be cast because they get information from a paid agent, for we are all agents and are all paid, and as the Bible has it, the laborer is worthy of his hire; it applies equally to all who labor, whether with head or hands, and lawyers, ministers, jurors and judges can receive wages for services without any imputation on their sincerity or truth."

The people will unquestionably be "with the Court" in this matter, just as the Court was with the people in the trial of the Hong case.

APPENDIX B.

PHILADELPHIA, January 7th, 1888.

HON. EDWIN H. FITLER,

Mayor of Philadelphia—

DEAR SIR: We desire to call your attention to the action of the Chief Commissioner of Highways in reference to the work in repairing Otsego street, and approval of the bill for the same.

Otsego street was repaired in 1886. A short time after the work was completed, Mr. John T. Bailey notified our Association that it was not properly done, and that the street was cutting up in ruts. A copy of this letter was sent to Controller Dechert, and on December 16th, 1886, after a full examination of the street, a resolution was adopted by our Association and sent to the Controller requesting him not to sign the warrant for this work, which request the Controller complied with, and returned the bill to the Highway Department.

In consequence of the contractor failing to get his money, he brought suit against the City in Court No. 2, and an examiner was appointed to take testimony.

First meeting was held, October 3d, 1887, at the office of the referee, James Alcorn, Esq. Mr. Charles B. McMichael, Assistant City Solicitor, representing the City, and Mr. Joseph L. Caven the contractor. William S. Molineaux, who was Assistant Commissioner of Highways in 1886, and who was removed by General Wagner in 1887, testified that the work was done according to the specifications in every particular, and that he had approved of the bill, after which the meeting adjourned.

Second meeting held October 10th. Mr. Close, the Surveyor of the District, testified that he measured the work, and gave certificate as to the number of yards; after which Mr. John T. Bailey was called on behalf of the City. Mr. Caven raised the point that the approval of the bill by the Chief Commissioner of Highways bound the City, and objected to any testimony being received as to the character of the work.

On examination of the bill, it was found that it had not been approved by the Chief Commissioner of Highways. After which Mr. John T. Bailey testified as to the bad manner in which the work was done, that the street in a short time was cut up in ruts, and became almost impassable, that he called the attention of the Chief Commissioner of Highways to the fact, who afterwards came down and examined the street in the presence of Mr. Bailey, and that the City was compelled in the early part of the year 1887 to repave the street. [This work being done by another contractor who was paid by the City.] Mr. T. B. M. Addis, our Agent also testified as to the bad condition of the street a short time after it had been repaired by this defendant. Before concluding his testimony, the hour of 5 o'clock having arrived, the meeting adjourned. A number of Citizens were present at this meeting prepared to testify on behalf of the City, but they were not called upon, nor were they ever afterwards notified of subsequent meetings.

Next meeting was held November 10th. Mr. Joseph McDonald, Chief Commissioner, appeared and testified that he had approved the bill for this work [he having done so since the last meeting], and drew the warrant for the amount of the bill and sent it to the Controller. The fact being that the approval of the Highway Commissioner had been subscribed to the bill since the last hearing before the Examiner, or about one year after the warrant had been drawn, and then for the evident purpose of assisting the said plaintiff to draw the money and defeating the City.

We believe that such a flagrant violation of duty, on the part of a sworn official, one of the most important Departments of the City Government, and whose duty it was to protect and defend the interests of the City, ought to be brought to the knowledge of your Honor.

We are ready to offer any other information in any form which may aid you in determining the remedy, which in your judgment may seem best, for such grave delinquency.

Very truly yours,

JOEL J. BAILY,
Chairman.

APPENDIX C.

Public Ledger, January 23d, 1888.

A VICTORY FOR THE CITY.

In the suit of Marshall C. Hong against the city for \$35,000, the jury on Saturday (Court of Common Pleas No. 2, Judge Hare) rendered a verdict for \$26,124.37, which, judging from the evidence, is fully as much as he is entitled to, if not more. The suit was on Hong's contract for Macadamizing Moyamensing Avenue, about which there was strong complaint, against the quality of the work done, and especially by the Citizens' Municipal Association. The vigilance of this Association of citizens, backed by their persistent firmness in the endeavor to compel Hong to fulfill his contract according to its terms, have saved the city nearly ten thousand dollars. It has done something more than this; it has administered a costly lesson to highway contractors, and a merited rebuke to the Highway Bureau, for it was the duty of the chief of that bureau to see that the contractor did what the jury's verdict says he did not. Something even beyond this seems to have been gained, for Judge Hare, publicly from the bench, strongly approved the Citizens' Municipal Association for their efforts to protect the people against abuses in street paving. That association is not to be reflected upon because it carries on its beneficial operations through a paid

agent. Judge Hare reminded the counsel and the jury that all officials are paid agents, from the judge to the detective employed to ferret out the perpetrators of crime. And there was a gain still further than this, for the result of the trial brought to the *Public Ledger* office, from a prominent citizen who is not in party accord with the City Solicitor, this passage (otherwise private and not to the editor). Referring to the verdict as above mentioned, he says : " I want to testify to the great ability shown by Messrs. Warwick and McMichael, who represented the city. I never witnessed a case contested with greater ability on both sides, and I regard the verdict as a great victory on the part of the city."

APPENDIX D.

PHILADELPHIA, September 8th, 1887.

HON. EDWIN H. FITLER,

Mayor of Philadelphia:

DEAR SIR: I am instructed by the Executive Committee of the Citizens' Municipal Association to lay before you the endorsed report of our agent, Mr. T. B. M. Addis, and the accompanying detailed statement of the condition of a large proportion of the streets traversed by the Passenger Railway Companies. This statement has been largely verified by the personal observation of several of our members, and is in accord with numerous complaints from citizens in various parts of the City.

It is hardly needful to remind you that the law is very plain and explicit and has been several times emphasized by decisions of the courts, requiring that the railway companies should keep in repair, from curb to curb, the streets traversed by them, and that this obligation, were it observed, would be but a very inadequate return to the City for the extraordinary and valuable privileges which the City has conferred upon them.

Yet these companies are persistently and flagrantly indifferent to their obligation greatly to the inconvenience,

discomfort and injury to our people and to the discredit of the whole City.

We submit whether the time has not now fully come that prompt and vigorous steps should be taken to compel from these railway companies an observance of the law.

Trusting that at your hands this matter will receive the attention which in your judgment its importance may demand.

On behalf of the Citizens' Municipal Association,

Yours, very truly, JOEL J. BAILEY,
Chairman.

PHILADELPHIA, September 7th, 1887.

*To the Chairman and Members of the Executive Committee
of the Citizens' Municipal Association.*

GENTLEMEN:—In accordance with your instructions, I have inspected nearly all the streets in the City, occupied by the Passenger Railway Companies, and find them generally in a very bad condition. No disposition being shown by any of these Companies to put them in proper repair as shown by the very small number of men at work, repairing by each Company.

On about 300 miles of streets inspected, there were only 148 men repairing streets that were employed by the Railway Companies not including those employed by the Traction Company, that are laying conduits on 7th and 9th streets south of Chestnut to McKean.

There were only 50 men at work repairing for the Traction Company on about 100 miles I inspected and six of these were at work putting in new switch and track at 18th and Sansom streets, and 10 repairing in front of their Depot on 20th street, above Montgomery Avenue, leaving only 34 at work on the balance of the road. Many of the streets used by this Company are unsafe for travel.

The streets of all the other Companies inspected, are in very bad condition in many places, and with the very

small number of men at work, it will be impossible for them ever to put and keep them in proper repair.

The following is the number of men found at work on the different roads, viz :—

Citizen's	18 men
Frankford and Southwark	21 "
Lombard and South	6 "
Hestonville, Mantua and Fairmount	7 "
Peoples	5 "
Philadelphia and Grays Ferry	10 "
Philadelphia Traction Company	50 "
Ridge Avenue	None
Second and Third	18 men
13th and 15th	13 "

The following streets have tracks laid on them that are not used, viz :—Poplar from 7th to 27th, Spring Garden from 20th to 9th, owned by the Traction Company, Front street south from Richmond to Laurel, Laurel from New Market to Vine, Vine from Front to 3rd, and 2nd from York to Lehigh Avenue, owned by the Second and Third streets Passenger Railway Company.

The tracks in many places on these streets are worn out and broken and the streets need repairing.

These streets should be taken possession of by the City and the franchises leased or sold, as provided by Ordinance, as these Companies have lost their right to hold them on account of their failure to run cars on the same.

I trust your Committee will request the proper authorities, to compel all the Railway Companies to comply with the law and at once put the streets occupied by them in good repair, from curb to curb.

Attached you will find a list of the streets and localities inspected also as to their condition.

Yours Truly,

T. B. M. ADDIS,

Agent.

APPENDIX E.

The following extract from the decision of Judge Thayer in the case of the City against the Spruce and Pine Streets Railway, was upon an application by the road for an injunction to restrain the then Chief Commissioner of Highways from preventing the running of their cars, by placing a pole across the street and proceeding to repave at the expense of the Company.

In July 15th, 1876, President Judge Thayer delivered the opinion of the Court (Leg. Int. 1876, p. 264) refusing the injunction. After reviewing the State and City legislation applicable to this company (and all the other companies), he says :

" This review of the legislation of the State and of the City, in its bearing upon the relative rights and obligations of this Railway Company and the City, results in several clear and indubitable conclusions :

" First.—That this Company are bound to keep in repair the entire roadbed of the street which they occupy, not only the part between the rails, but the whole roadway from curb to curb. Whatever streets they traverse they are bound to pave throughout their whole route, and that not partially, but wholly and thoroughly, * * it is a part of the price which the legislature exacted for the privileges granted, and I may add, they were cheaply purchased at the price imposed.

. Second.—Another conclusion deducible from the legislation in reference to this Company is, that they are not only bound by the Ordinance of 1857, but also by all other Ordinances passed by the City. They are not only bound by the express words of their charter to obey the Ordinance of 1857, but it results from their charter also, and from their own solemn agreement, made with the City in pursuance of it, that they are equally bound by all other Ordinances passed, or to be passed, so always of course, that they be reasonable and lawful in their nature. The privileges of

this Company, were by the very fiat of its creation, to depend upon the will of the city. It could slay or it could make alive. It was armed with power to strangle it at its birth, or to nurse it into useful strength and vigor.

"This power was given the City for a salutary purpose, for a public and beneficial purpose. That purpose was to subordinate the corporate existence of the company to the laws of the community in which it was to live—to protect the municipal rights and liberties of the City of Philadelphia. They entered into a solemn contract with the City under their corporate seal and the signatures of her chief officers, binding themselves to be subject to all ordinances of the City, passed or to be passed.

"They now attempt to repudiate that obligation, and assert that the City had no right to impose that condition, and that they are not bound by it. I cannot acquiesce in so bold an assumption. That the City had the right to impose this condition as the consideration of its assent to the charter, and that the company having obtained that consent by means of their contract with the City to be bound by its Ordinances, cannot now repudiate that contract or escape from it, seems to be a conclusion founded not only upon principles of sound reason and common honesty, but grounded also upon the firmest rules of law.

"The Passenger Railway system of Philadelphia, is of vast benefit to the City. Our habits of life and modes of business have so thoroughly adapted themselves to it, that even partial interruption of the facilities which it affords would be a great public inconvenience. Nevertheless it is absolutely necessary that the companies obey the law. It is their duty to obey it with alacrity, for it is the only price they pay for their privileges, but if they set it at defiance, it is the duty of the Courts to reinforce the officers of the Commonwealth and of the City with the whole power which is vested in them by the constitution and the laws, to compel obedience to it."

APPENDIX F.

CITIZENS' MUNICIPAL ASSOCIATION OF PHILADELPHIA.

N. W. Cor. 13th and Arch Streets.

PHILADELPHIA, March 27th, 1888.

CHAS. F. WARWICK, Esq.

DEAR SIR:—May I inquire on behalf of the Citizens' Municipal Association as to the present condition of the suit of the City vs. the Passenger Railway Cos. in the matter of paving Ninth street between Race and Vine with Belgian blocks?

Your kind attention at your convenience will much oblige, Very Truly Yours,

FRANCIS B. REEVES, Chairman.

Committee on Law and Legislation.

LAW DEPARTMENT OF THE CITY OF PHILADELPHIA.

231 South Sixth Street.

PHILADELPHIA, March 28th, 1888.

FRANCIS B. REEVES, Esq., Chairman of Committee on Law and Legislation, Citizens' Municipal Association, Philadelphia:

DEAR SIR:—I am in receipt of your letter of the 27th instant, in which you ask on behalf of the Citizens' Municipal Association for information in relation to the present condition of the suit of the City against the Passenger Railway Companies, in the matter of paving 9th Street between Race and Vine Streets with Belgian blocks.

On April 5th, 1886, in answer to a communication from the Mayor, I wrote an opinion in which I said that Railway Companies are bound to pave, repave and repair the entire streets occupied by them, unless they are exempted by some provision in their charter; and that there is nothing in the law to prevent the adoption by the City of improved pavements, and nothing to relieve the Railway Companies from

the expense of putting down such pavements, and keeping them in repair. Subsequent to this opinion, the Highway Department tested the question, notified the Ridge Avenue Passenger Railway Company and the Union Passenger Railway Company to repave 9th Street with Belgian blocks. The said Passenger Railway Companies neglected so to do, the Highway Department tore up the street on 9th Street between Race and Vine Streets, and laid down Belgian blocks.

Subsequently, I was directed to bring suit to collect the expense of said paving from the Railway Companies, or whichever might be liable. These suits were instituted and we filed our declaration, and the Companies both made defence. The Ridge Avenue Passenger Railway Company on the ground that it is absolutely freed by the provisions of its charter from any care of the highways occupied by it. The Union Passenger Railway Company sets up as a defence that it has no rails on 9th Street, but under a contract between it and the Ridge Avenue Passenger Railway Company it uses the rails of said Company. I may say in this connection that the selection of this locality was very unfortunate for the testing of this important question.

So far as the suit against the latter company is concerned, nothing has been done since they made answer, simply because I have not cared to push the case, having grave doubts as to the result, the whole matter turning upon a question of fact and not upon a question of law; and a defeat upon the question of fact would perhaps seriously affect the real point to be decided, and be taken as a virtual defeat of the City in the matter.

As to the case against the Ridge Avenue Passenger Railway Company, we have been endeavoring with the counsel of that Company to make selection of a section of the street upon which their tracks are laid, and no others, in order that we may be free from the complications arising where the tracks are used by the two companies.

A short time since, to test the question we brought suit against this company for repairs on a section of Ridge Avenue occupied alone by its tracks. We filed a statement and the Company put in an affidavit of defence, and we are now preparing a paper book, in order that argument may be had upon the question at the earliest possible moment. I must say, however, in this connection that this suit will alone test the question as to whether or not the Railway Company is freed from keeping the said Ridge Avenue in repair, which of course, is only a preliminary step towards the final solution of the important questions in the case.

Yours very truly, CHAS. F. WARWICK,
City Solicitor.

APPENDIX G.

PHILADELPHIA, August 10th 1887.

GEN'L LOUIS WAGNER,
Director of Public Works.

DEAR SIR: The owners of the quarry on Front street south of Allegheny Avenue have quarried out a large portion of the bed of Front street, at that place, and hauled away the stone, and have also taken away the curb stone.

This work was going on at the time you were appointed to the present position of Director of Public Works, and I assured the party that complained to me at that time, that you would stop it at once, but to my surprise on visiting the locality yesterday I found the contractor still at work. This street was paved some years ago, and a portion of it paid for twice by the City, as was shown by the investigation of mandamus cases, by Councils in 1883, and now another contractor should not be allowed to get away with the street.

Will you please give this your attention.

Yours truly,
T. B. M. ADDIS,
Agent, for the Citizens' Municipal Association.

Charter.

The Citizens' Municipal Association of Philadelphia.

In the Court of Common Pleas, No. 1,
For the City and County of Philadelphia.

March Term, 1887. No. 760.

The undersigned, all of whom are Citizens of the Commonwealth of Pennsylvania, residing in the City and County of Philadelphia, and State of Pennsylvania, with their associates, and such others, as may desire to unite with them, desiring to be incorporated, under the provision of an Act of the General Assembly of the Commonwealth of Pennsylvania, approved the 20th day of April, A. D., 1874, and the supplement thereto, entitled "An Act to provide for the Incorporation and Regulation of certain Corporations," do hereby subscribe to the following statement or certificate as a Charter, in accordance with the provisions of said Act.

First. The name of this Association shall be THE CITIZENS' MUNICIPAL ASSOCIATION OF PHILADELPHIA.

Second. The object of this Association shall be:

1st. To sustain the constituted authorities in a faithful administration of the public service.

2nd. To secure a strict fulfillment by public officers, employees, and contractors, of all their obligations to the City, and to the Citizen.

3rd. To promote such legislation as shall be most conducive to the public welfare.

Third. The place where its business shall be transacted is the City of Philadelphia, State aforesaid.

Fourth. The said Association shall exist for the space of fifty years.

Fifth. The said Association shall have no capital stock.

Sixth. The names and residences of the subscribers are as follows:

NAME.	RESIDENCE.
Joel J. Baily	1826 Arch Street.
Horace W. Pitkin . . .	1824 De Lancey Place. [Gtn.
Francis B. Reeves . . .	Clapier St. cor. McKean Ave.,
Justus C. Strawbridge .	School Lane, Germantown.
T. Morris Perot . . .	1810 Pine Street.

Seventh. The executive functions of the Association shall be devolved upon an Executive Committee of Twenty-one members, who shall be elected in the manner provided in the By-Laws. The names and residences of the Committee chosen hereunder are as follows:

NAME.	RESIDENCE.
Joel J. Baily	1826 Arch Street.
Geo. Burnham, Jr. . . .	2211 Green Street.
John K. Cuming	1623 Columbia Avenue.
Charles J. Harrah, Jr.	858 North Broad Street.
T. Morris Perot	1810 Pine Street.
Justus C. Strawbridge .	School Lane, Germantown.
William W. Porter . . .	1808 Pine Street..
Joshua L. Baily	1624 Arch Street.
William Brockie	30 Walnut Lane, Germantown.
T. DeWitt Cuyler . . .	134 South Eighteenth Street.
Alexander Kerr	2012 Race Street. [Gtn.
Francis B. Reeves . . .	Clapier St., cor. McKean Ave.,
James F. Sullivan . . .	2041 Spruce Street.
Walter Wood	1620 Locust Street.
John T. Bailey	1503 Master Street.
Robert R. Corson . . .	1119 Walnut Street.
Wm. Harkness, Jr. . . .	1537 South Ninth Street.
Lucien Moss	1631 Chestnut Street.
W. Fred'k Snyder	2120 Green Street. [Ave., Gtn.
Amos Wakelin	Clarkson Ave. near Stenton
Horace W. Pitkin	1824 De Lancey Place.

IN WITNESS WHEREOF we the undersigned subscribers have hereunto set our hands and seals this twelfth day of April, A. D., 1887.

Joel J. Baily, [L. S.] Francis B. Reeves, [L. S.]
 T. Morris Perot, [L. S.] Horace W. Pitkin, [L. S.]
 Justus C. Strawbridge, [L. S.]

{  } *State of Pennsylvania* } ss.
 {  } *County of Philadelphia.* }

Before me, the Recorder of Deeds, in and for the County aforesaid, personally came the above named Joel J. Baily, Francis B. Reeves, T. Morris Perot, Horace W. Pitkin and Justus C. Strawbridge, who in due form of law acknowledged the foregoing instrument to be their act and deed for the purpose therein specified.

WITNESS my hand and seal of office this twelfth day of April, A. D., 1887.

GEO G. PIERIE, Recorder.

{  } *State of Pennsylvania* } ss.
 {  } *County of Philadelphia.* }

Personally appeared before me this twelfth day of April, A. D., 1887, Joel J. Baily, Justus C. Strawbridge and Francis B. Reeves, who being duly sworn according to law, depose and say that the statements contained in the foregoing are true.

Sworn and subscribed before me this twelfth day of April, A. D., 1887.

{  } GEO. G. PIERIE,
 Recorder,

[L. S.] JOEL J. BAILY.
 [L. S.] JUSTUS C. STRAWBRIDGE.
 [L. S.] FRANCIS B. REEVES.

FINAL DECREE.

AND NOW TO WIT: April 30th, 1887, on motion of William W. Porter, and Thomas DeWitt Cuyler, Esqs., of Counsel for the Citizens' Municipal Association of Philadelphia, it appearing that notice of the application for a charter for the said intended corporation has been duly advertised, in accordance with the requirements of the statute in such case made and provided, and it further appearing that no objections to the granting of the same have been presented, and that the said charter is in accord with the provisions, with the Act, entitled "An Act to provide for the Incorporation and Regulation of certain Corporations," approved the 29th day of April, A. D., 1874, it is hereby ordered, adjudged and decreed, that said charter be granted and that the same be recorded in the office of the Recorder of Deeds, in and for the City and County of Philadelphia, as required by law.



F. AMEDEE BREGY,
Judge of Court of Common Pleas No. 1.

Recorded in the office for Recording of Deeds in and for the City and County of Philadelphia, in Charter Book, No. 12, Page 221, &c. Witness my hand and seal of office this 5th day of May, A. D., 1887.



GEO. G. PIERIE,
Recorder of Deeds.

OFFICERS OF THE EXECUTIVE COMMITTEE.

JOEL J. BAILY Chairman.

FRANCIS B. REEVES Vice-Chairman.

WILLIAM W. PORTER Secretary.

WILLIAM HARKNESS, Jr. . . . Assistant Secretary.

ROBERT R. CORSON Treasurer.

MEMBERS OF THE EXECUTIVE COMMITTEE.

Joel J. Baily,	Lucien Moss,
Joshua L. Baily,	Alexander Kerr,
John T. Bailey,,	T. Morris Perot,
George Burnham, Jr.,	Horace W. Pitkin,
William Brockie,	William W. Porter,
Robert R. Corson,	Francis B. Reeves,
John K. Cuming,	Arthur H. Lea,
T. De Witt Cuyler,	Justus C. Strawbridge,
William Harkness, Jr.,	James F. Sullivan,
Charles J. Harrah, Jr.,	Amos Wakelin,
	Walter Wood.

SUB COMMITTEES.

FINANCE.

Justus C. Strawbridge,	Chairman.
George Burnham, Jr.,	Charles J. Harrah, Jr.,
Lucien Moss,	Alexander Kerr.

MEMBERSHIP.

George Burnham, Jr., Chairman.	
William Brockie,	Joshua L. Baily,
Amos Wakelin,	Francis B. Reeves.

ABUSES AND COMPLAINTS.

Joshua L. Baily, Chairman.	
Horace W. Pitkin,	John T. Bailey,
T. Morris Perot,	John K. Cuming,
James F. Sullivan,	William Harkness, Jr.

LAW AND LEGISLATION.

Francis B. Reeves, Chairman.	
Thomas De Witt Cuyler,	Arthur H. Lea,
Walter Wood,	John K. Cuming,
Robert R. Corson,	George Burnham, Jr.

ROOM AND LIBRARY.

T. Morris Perot, Chairman.	
Charles J. Harrah, Jr.,	Lucien Moss.

To ensure prompt attention, address communications and complaints to

T. B. M. ADDIS, Agent,
Office, 1303 Arch Street.

MEMBERS OF THE
CITIZENS' MUNICIPAL ASSOCIATION.

Adamson, Chas B . . . 730 Market Street.
Allen, Wm. H. . . . 113 Market Street.
Allison, Wm. C . . . 32nd and Walnut Street.
Atmore, Robt. E . . . 141 S. Front Street.
Baily, Chas. W . . . 210 Chestnut Street.
Baily, Joel J . . . 719 Market Street.
Bailey John T. . . . 22 Sth. Sixth Street.
Baily, Joshua L . . . 210 Chestnut Street.
Bancroft, J. Sellers . . 1600 Hamilton Street.
Barnes, Henry M . . . 706 Sansom Street.
Bisler, G. A 328 Juliana Street.
Blankenburgh, R. . . . 13 Bank Street.
Bonbright, Wm. P . . S. W. Cor. 11th and Market Sts.
Brockie, Wm 101 Walnut Street.
Bromley, George D. Adams & Jasper Street.
Brown, Saml. W . . . 38 North Nineteenth Street.
Browne, W. H . . . 528 Walnut Street.
Burnham, George, Jr . 500 North Broad Street.
Burnham, George, Sr . 500 North Broad Street.
Burnham, William . . 220 South Fourth Street.
Burton, Arthur M . 504 Walnut Street.
Busby, George L . . 706 Spruce Street.
Cadwallader, Chas. E . . 240 South Fourth Street.
Carson, Hampton L . 913 Walnut Street.
Castle, W. H 38 North Fourth Street.
Clark, E. W 135 S. 4th St.
Cohen, Charles L. . . 505 Chestnut Street.

- Cope, Francis R. . . 1 Walnut Street.
Corson, Robt. R. . . 119 Sth. 4th St.
Cuming, John K. . . Tenth National Bank.
Cuyler, T. De Witt . . 224 South 4th St.
Ditman, Jos. G. . . . N. E. Cor. 10th & Filbert Sts.
Donovan, Daniel . . . 606 Market St.
Dougherty, James . . 2212 Green St.
Earle, Geo. H., Sr. . . 104 South 6th St.
Evans, Nelson F. . . 431 Walnut St.
Eyre, Lincoln L. . . S. W. Cor. 3rd & Walnut St.
Farrelly, Stephen . . 612 Locust St.
Febiger, Chris. C. . . 706 Sansom St.
Field, John 814 Market St.
Fletcher, Geo. A. . . N. E. Cor. 12th & Chestnut Sts.
Foulke, J. Roberts . . 409 Chestnut St.
French, Clayton . . . N. W. Cor. 10th & Market Sts.
Garrett, Philip C. . . Logan Square.
Graeff, John E. . . . 318 Walnut St.
Gutekunst, F. . . . 712 Arch St.
Harkness, Wm., Jr. . . 247 South 3rd St.
Harrah, Chas. J., Jr. . . 858 North Broad St.
Harrah, Chas. J., Sr. . . 858 North Broad St.
Harris, George S. . . 718 Arch St.
Hastings, Robt. E. . . 819-821 Filbert St.
Heins, Lewis S. . . . 1911 Lombard St.
Janney, Nathaniel E. . 215 South 5th St.
Jenks, Wm. H. . . . 115 Chestnut St.
Jones, Owen 802 Market St.
Justice, Henry 122 South Front St.
Justi, H. D. 32nd & Spring Garden St.
Justice, Wm. W. . . . 122 South Front St.
Keebler, Godfrey. . . 264 North 22nd St.
Keefe, Joseph I. . . . 32 South Front Street.
Kennedy, Francis W. . N. W. cor. 12th and Sp'g Garden Sts.

- Kerr, Alexander . . . Pier 8, N. Delaware Avenue.
Klauder, John H. A . 195 Huntingdon Street.
Kuhn, G. Hartman . . 1712 Spruce Street.

Lea, Arthur H. . . . 706 Sansom Street.
Lea, Chas. M. . . . 706 Sansom Street.
Lea, Henry C. . . . 2000 Walnut Street.
Leaming, Thomas . . 223 South Sixth Street.
Levick, Lewis J. . . . 113 Arch Street.
Lindsay, D. S. . . . S. W. cor. 40th and Ludlow Streets.
Lippincott, Charles . . 925 Filbert Street.
Little, Amos R. . . . Aldine Hotel.
Longstreth, Edward . 1805 Spring Garden Street.

MacDonald, John J. . 13 S. Water Street.
MacVeagh, Hon. Wayne 402 Walnut Street.
McKinley, Archibald . Second and Buttonwood Streets.
Martin, Thos. J. . . . 125 Chestnut Street.
Mason, Richard S. . . 140 N. Front Street.
Massey, William . . . Tenth and Filbert Streets.
Mencke, William N. . 804 Arch Street.
Mercer, George Gluyas 330 Walnut Street.
Middleton, Merle . . 507 Market Street.
Miles Thomas 1820 Arch Street.
Monroe, John T. . . . 531 Market Street
Morris, Evan 253 Levant Street.
Moss, Lucien 1631 Chestnut Street.

Newburger, Morris . . 714 Market Street.
Patterson, Robert . . Richmond and Otis Streets.
Perot, T. Morris . . . 314 Vine Street.
Pitkin, H. W. . . . 45 S. Second Street.
Platt, Charles. . . . 232 Walnut Street.
Porter, William W. . . 623 Walnut Street.
Price, Eli Kirk. . . . 709 Walnut Street.

Randolph, Evan . . . 115 Chestnut Street.
Rawle, W. Brooke . . 710 Walnut Street.

- Read, William F . . . 213 Chestnut Street.
Reeves, Francis B . . . 20 South Front Street.
Reyenthaler, Emil. . . 30th and Market Street.
Ritter, Philip J. . . . 2154 E. Dauphin Street.
Santee, Charles . . . 532 N. Sixth Street.
Scull, David 125 Market Street.
Sinclair, William M. . . 225 Arch Street.
Smiley, John 1307 Market Street.
Snyder, Wm. Fred'k . N. W Cor. Fifth and Green Streets.
Steel, Henry M. . . . 24 and 26 Bank Street.
Stetson, John B. . . . 4th and Montgomery Avenue.
Stroud, William C. . . 500 N. Broad Street.
Strawbridge, Justus C . N. W. Cor. 8th and Market Streets.
Sullivan, James F. . . 410 Market Street.
Schwartz, George A. . 1006 Chestnut Street.
Sweeting, T. Henry . 639 Arch Street.
Tatham, Henry B. . . 226 S. 5th Street.
Trites, Wm. B., M.D. . 4500 Baker Street, Manayunk.
Wakelin, Amos . . . 133 S. Fourth Street.
Warren, Gen. L. H. . 2027 De Lancey Place.
Weaver, John J. . . . S. E. Cor. Seventh and Filbert Sts.
Wernwag, Theo. . . . 242 Chestnut Street.
Whitney, W. Beaumont 137 S. Second Street.
Wood, Richard. . . . 400 Chestnut Street.
Wood, R. Francis . . . 218 S. Fourth Street.
Wood, Stuart 400 Chestnut Street.
Wood, Walter 400 Chestnut Street.
Wright, Jas. A. . . . 307 Walnut Street.

D.W.C.

THIRD ANNUAL REPORT

—OF THE—

Citizens'

Municipal Association

—OF—

PHILADELPHIA.

WITH LIST OF MEMBERS, OFFICERS
AND COMMITTEES.

1889.

Organized April 20, 1886. Incorporated April 30, 1887.

PHILADELPHIA:
A. T. ZEISING & CO., PRINTERS,
402, 404 & 406 RACE STREET.



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R E P O R T
OF THE
EXECUTIVE COMMITTEE
TO THE
CITIZENS' MUNICIPAL ASSOCIATION
OF PHILADELPHIA,

PRESENTED AT THEIR THIRD ANNUAL MEETING AT THE
BULLITT BUILDING, APRIL 25TH, 1889.

To the Members of the Citizens' Municipal Association :

GENTLEMEN:—The Executive Committee respectfully report, that the objects for which the Association was created have had the vigilant attention of the Committee during the past year. A very much greater number of cases have claimed our care, and covering a much wider field of service than in either of the previous years.

MACADAMIZING MOYAMENSING AVENUE.

In our last report, a detailed statement was made of the case of M. C. Hong vs. The City, for macadamizing Moyamensing avenue, in which your Committee took an active part for the city, the result of which trial was a verdict in favor of the plaintiff for about \$9000 less than the amount of his claim, and which, as then stated, we regarded as an important victory, "not only on account of the money saved to the city, but because of the salutary influence likely to be exerted on contractors generally."

This settlement or verdict did not relieve the contractor from the obligation to keep the avenue in repair for three years. In confirmation of the testimony given the court by

members of our Committee and others, that the road was badly built, and was already needing repair, numerous representations were made to us soon thereafter as to the increasingly bad condition of this avenue, and the neglect of the contractor to make the needed repairs, which repairs, at the time of the trial, his counsel promised should be made "as soon as the trial was concluded."

On April 25th, the attention of his Honor, the Mayor, was called to the very bad condition of the road and the failure of the contractor to fulfill his contract, and the hope was expressed that his Honor would "see the importance of having this contractor or his sureties comply with their contract without unnecessary delay." [See Appendix A.]

His Honor promptly acknowledged the receipt of this communication, and informed us "that an inspection of that avenue would be made by the Director of the Department of Public Works, and such action taken as might be necessary."

No further information having been received from the department, and no repairs having been commenced, another letter was addressed to the Mayor July 12th (see Appendix B), again bringing to his attention "the very great neglect, not only on the part of the contractor, but on the part of the city department charged with the supervision of this work."

This brought from his Honor a communication accompanying a letter under date of July 23d, from the Director of Public Works, admitting the correctness of our representations as to the bad condition of the avenue. [See Appendix C.]

We were informed (not officially) that, soon after the date of the above letter, the Director of Public Works notified the contractor (Hong) to put the road in good condition, failing which it would be done by the city at the expense of said contractor. No attention having been paid to this notice, the Director of Public Works entered

into a new contract on behalf of the city with another contractor (Shanley) for the repair and macadamizing of the avenue at a cost of about \$10,000, which money we are informed will be collected by the city from the sureties of the defaulting contractor (Hong).

We have reason to believe that the work of the last contractor has been well done, and that the avenue, so far as the work has been completed, is now in good condition, very much to the satisfaction of the great number of citizens who have occasion to use it.

We should like to think that the unusual proceeding of the Director taken in this important case (although with less delay) will be a precedent for action under other like circumstances.

FILLING IN THE SIDES.

But what is above stated has reference only to the repairs and resurfacing of the macadam portion of the road. In consequence of the neglect of the first contractor (Hong) to properly fill in and support the sides of the macadam road to make it safe for travel, and, in consequence of the contractor having taken the position that the cutting down of his claim by \$9000 relieved him from the obligation to do this filling in, city Councils were requested and did make an appropriation of \$3000, and authorized the Director of Public Works to make a contract for the same.

This contract was awarded to Oliver Wilson and Edwin H. Vare (the only bidders), who agreed to fill in the sides with clean ashes for the sum of \$2900.

Subsequently, information was lodged at our office that the said contractors, instead of filling in with clean ashes as required, "were dumping tin cans, decayed vegetables and all kinds of rubbish."

On examination, these representations proved to be correct, and the contractors were informed by our Agent, that, unless the contract was complied with, our Association

would endeavor to prevent them from obtaining their money. Immediately thereafter, a communication from thirty-one citizens, confirming the above statement as to the character of the work, was received at our office, and was at once transmitted to the Director of Public Works, with the inquiry :—

“ Is there not one trustworthy and capable man in your department whom you can place in charge of this work and who will see that it is properly done ? ”

The Director at once returned this communication to our Agent, with the following indorsement :

“ There are plenty of capable and trustworthy men in this department who will see that the interests of the city are properly looked after, and that this and all other contracts are fully complied with.” [See Appendix D.]

After this communication had been forwarded to Director Wagner, the contractors commenced to fill in with material of better quality, and partially completed the work to Twenty-ninth street—the conditions of their contract requiring them to fill in both sides of Moyamensing avenue from Broad street to Penrose Ferry Road, and Penrose Ferry Road to Thirty-second street.

The declaration made by the Director of Public Works was not verified by the future action of his Assistant Commissioner (Daniel Ahern), who not only failed to enforce a compliance with this contract, but approved the bill before the work was completed; thereby aiding the contractors to defraud the city, as Mr. Ahern, the Assistant Commissioner of Highways, on July 3d approved the bill for the completion of the work, and signed the following certificate :

“ This is to certify that I have personally inspected the work and materials charged for in the foregoing bill, and they are in accordance with the contract and specifications.”

DANIEL AHERN,
Assistant Commissioner of Highways.

This bill was forwarded to Controller Dechert (who was then at Camp Slemmer, in Montgomery county), one of the contractors accompanying the party who had charge of the bill, and there the Controller signed the warrant.

During the absence of the Controller from the city, our Committee sent a communication to his office, requesting him to let us know when the bill for this work was presented; but it was too late to prevent the payment, which had already been made, as stated above.

As soon as we ascertained that the warrant had been countersigned, and the contractors had received their money, the matter was laid before Hampton L. Carson, Esq. (acting Attorney for our Association), who advised us that Assistant Commissioner of Highways Ahern and the contractors, Messrs. Wilson and Vare, could be indicted for criminal conspiracy, and, after due consideration by our Committee, warrants were issued, the parties above named were arrested and had a hearing before Magistrate Cobb on September 8th, who held them in \$1200 bail each for their appearance at court.

The case has been twice called for trial, but was continued, first by request of defendants' counsel and again by the District Attorney, who was unexpectedly called out of the City, our Committee being present each time with their witnesses prepared for trial.

REPAIRS TO PAVED STREETS.

Scores of complaints have been received from citizens of every ward in the city in reference to the bad condition of our paved streets. The Director of Public Works, notwithstanding the evidence which we laid before him last year, as to the very bad results of the system of awarding contracts for paving by the square yard (see report for 1888, page 11), and our recommendation that the work should be done by districts, again awarded the contracts to be done by the square yard, and with the like wasteful

expenditures and unsatisfactory results, inherent, as we believe, in this bad system.

\$186,000 was expended on repairs last year, a sum which, under an intelligent and judicious system with proper supervision, should have been sufficient to put all the streets in fair condition, so that they would have required but little additional expense for this year. But already many miles of streets, which received a pretense of repair last year, are again in a disgraceful condition.

The particular attention of his Honor, the Mayor, was called to the generally bad condition of the streets and the indifferent character of the repairs in August, 1888, but without bringing about any improvement, so far as we have observed, in the character of the work or in the way of correcting the loose system under which it is conducted. [See letter to Mayor Fitler, Appendix E.]

By request of the Director of Public Works, the large sum of \$170,000 has been appropriated by Councils for repairs to streets this year, and the Director has awarded the contracts, the work to be done again by the square yard, and from inspections recently made there appears to be no improvement over that of 1888 in the manner in which the work is now being done.

STREETS OCCUPIED BY PASSENGER RAILWAYS.

In our letter to his Honor, the Mayor, on August 6th, 1888, in reference to paved streets, we also called his attention to the very bad and disgraceful condition of the streets occupied by the railway companies, and the very insignificant amount of repairs that were being made thereon.

No other attention was paid to this communication than its reference to the Director of Public Works, and we regret to say the streets remain still in as bad, if not a worse, condition than they were previous to our complaint, and more especially in the rural parts of the city.

Councils have recently by request of the Mayor made an appropriation of \$200,000, for the purpose of repaving, with Belgian blocks, some of the streets occupied by these companies in the central part of the city, the city to collect the cost from the railway companies by suit.

But, according to the opinion of City Solicitor Warwick given to Ex-Mayor William B. Smith, in his letter of April 6th, 1886, in reference to the ordinance making an appropriation "for improved pavements on streets occupied by passenger railways," the appropriation now referred to is illegal.

Mr. Warwick says, "So long as the ordinance of July 7th, 1857, remains unrepealed, Councils have no right by ordinance, like the one now under consideration, to appropriate the money of the tax-payer for work which the courts have decided must be done at the expense of the railway companies."

Should the money be expended for this work as contemplated by the ordinance, payment will undoubtedly be resisted by the railway companies, and nothing may be anticipated short of protracted and expensive, if not fruitless, litigation.

The whole matter having already been sufficiently provided for by act of Legislature and city ordinances, again and again interpreted and confirmed by the courts, we believe that the proper and shortest way to bring about the desired result, is to compel the railway companies to comply with the obligation "to repair and keep in order the streets from curb to curb," being, according to the decision of Judge Thayer, "A part of the price which the Legislature exacted for the privileges granted," and which, as the learned Judge added, "were cheaply purchased at the price imposed."

Whenever a railway company neglects the performance of the duty imposed, the municipal authorities are by law empowered to obstruct the street and stop the running of the cars, until the requirements of the law are complied with. [See *Passenger Railway Companies vs. Philadelphia*, 2 W. N. C. 639.]

Were this legal course energetically pursued by the city authorities, we believe the railway companies would very soon find it to their advantage to lay improved pavements on all streets occupied by them.

Should the city authorities continue to disregard the duty imposed upon them to enforce the obligations of the railway companies in the only way indicated by the law, but rather give the companies what may in the end be equivalent to relief therefrom, it becomes a question worthy of serious consideration whether the time is not near at hand for this Association, in the interests of the citizens at large, to take such legal action as shall compel a compliance with the laws.

UNPAVED STREETS, ROADS AND BRIDGES.

The contracts for this work covered all the unpaved streets, roads and bridges (less than 8 feet span) in the nine rural wards in the city, extending over a territory of nearly five hundred miles.

Inspections were made in all the districts at different times; and in the month of September it was found, after a thorough inspection, that the contractors were neglecting their work, many of the streets, roads and bridges being in a very bad condition.

The result of this inspection, with a detailed statement, was forwarded to the City Controller, with a request that he withhold his approval from the contractors' warrants.

This request the Controller complied with, and several thousand dollars were saved to the city by having the unpaved streets, roads and bridges fairly repaired.

MACADAMIZED ROADS.

The repair and maintenance of macadamized streets and roads we have found to have been grossly neglected; it not appearing that there had been any adequate attempt made by the department to enforce the contracts on this subject,

a letter was addressed to the Director of Public Works, December 19th. [See Appendix F.]

This letter was read aloud by the Director in the presence of the bidders, previous to the opening of their bids for the work of this year, as notice to them that they might expect the enforcement of their contracts, but up to the present, we fail to see that any proper effort has been made to secure their fulfillment.

BELGIAN BLOCK PAVING.

Numerous complaints have been made to us on account of the improper manner in which much of the Belgian block paving has been done, and chiefly on account of the deficiency in the quality and quantity of the gravel. In some cases we have succeeded in compelling a compliance with the contracts; in others the contractors defied our protests and secured much of their money through threats to the property owners that they would enter liens against their properties.

Some property owners have refused to pay, and the contractors will be compelled to contest their claims in court.

MARKET PLOTS ON GIRARD AVENUE.

The most important case of paving with Belgian block, which has claimed the attention of our Committee, is that of the market plots on Girard avenue, from Broad to Morton streets, which had been imperfectly provided for by various ordinances of Councils. Immediately after the contractors had claimed that the work had been completed, and the bills for the same had been approved by the Director of Public Works and the Assistant Commissioner of Highways, and after a very careful examination thereof by our Committee, we sent to the City Controller a protest against the payment therefor, on the ground that it was not a legal obligation of the city. [See Appendix G.] The City Controller thereupon refused to countersign the warrant,

and returned it with the bills to the Director of Public Works.

Soon thereafter a further ordinance was prepared under the direction of the Director of Public Works, authorizing that officer to draw, and the City Controller to countersign, a warrant in favor of the contractors for the sum of \$25,961.28 to pay for this work.

This ordinance was offered for the purpose of legalizing the action of the Director of Public Works in awarding the contract for the repaving of the intersections on this avenue, furnishing and laying crossing stone on the same, and also for the repaving of the cobble on both sides of the market plots to the whole length of the avenue, which work has never been authorized by ordinance of Councils, and also not advertised for as required by act of Assembly.

After the ordinance had been favorably reported by the Finance Committee, it was at our request referred back to the same Committee, who granted us the courtesy of a hearing; but, notwithstanding our objections, it was again favorably reported by the Finance Committee with the proviso, however, "that the Director of Public Works and the City Controller should find that the work had been performed according to contract," and in this form it was passed by Councils.

This proviso was unnecessary as to the Director of Public Works, as that officer had already approved the bills, but we trust very fortunate for the city as to the Controller; and our Committee have again sent a communication to that officer with a request that he grant us a hearing before approving the warrant.

The full particulars of this important and complicated case will be found in Appendix H, and we think will repay a careful perusal.

Several other cases have come to the knowledge of the Committee, where the Director of Public Works had made contracts for work without having advertised for bids,

contracts never authorized by ordinance of Councils, and contracts to pay for which Councils had made no appropriation, each of which acts were in violation of law.

THE DICKINSON CLAIM.

On February 7th of this year, an ordinance was reported to Councils by the Finance Committee, providing for the payment to the estate of William W. Dickinson, the sum of \$40,695.39 for the paving of Market street from Forty-third to Sixty-third streets with rubble stone, work which had been completed in 1873, under an agreement that the contractor should collect the costs thereof from the property owners, except as to the grading and paving of intersections which was to be paid for by the city.

A careful examination made by your Committee of the bills and records at the Controller's office, showed that the city had fully paid all her obligations to the contractor, a sum exceeding \$96,000, and with a very inadequate return for the money thus expended.

Your Committee believing that there was no further obligation on the part of the city either in law or equity, and that this was an improper attempt to obtain money from the city treasury, sent an earnest protest to Councils (see Appendix I) which was made the occasion of an animated and protracted discussion resulting in the defeat of the ordinance.

CASE OF MAGEE vs. THE CITY.

In the year 1885, James Magee agreed to repair and maintain all the unpaved streets, roads and bridges in the Twenty-seventh ward.

Our agent, then under direction of the late Committee of One Hundred, inspected the work from time to time, and finding that the contractor was not complying with his contract, so reported to Controller Dechert, and that officer refusing to countersign the warrants of the contractor, he brought suit for his claim against the city.

On April 9th of this year, the case was called for trial in Court No. 2 (Judge Hare) and occupied the attention of the court for two days. Assistant City Solicitor, Charles B. McMichael, defended the city.

The witnesses on behalf of the city were some members of our Committee, our Agent and citizens of the twenty-seventh ward.

It was clearly shown by the evidence in the trial, that the contractor had not complied with his contract. The Judge very carefully explained the law in relation to the obligation of contractors, and commended our Association for their zeal in endeavoring to enforce a compliance by contractors with their contracts.

The result of the trial was a verdict for the contractor of less than one-third of the amount of his claim. This we trust will be a warning to all derelict contractors.

WOODEN BUILDINGS.

In April last, the attention of your Committee was called to a violation of city ordinances in the erection of a row of buildings consisting of eighteen tenements completed, and others in course of construction on the east side of Forty-sixth street below Woodland avenue. These buildings had brick fronts, but the rear and parts of the side walls were wholly of wood in violation of the ordinance of July 13th, 1867 and January 4th, 1870, supplementary to ordinance of April 11th, 1863, prohibiting the erection of wooden buildings within certain limits.

The matter was promptly brought to the notice of the Mayor (see Appendix J), and, while in the hands of his Honor and the building inspector who had permitted the unlawful structures, the builder secured a suspension of any adverse action, and meantime by the most diligent efforts, actually succeeded in securing the passage through both branches of Councils of an ordinance legalizing his unlawful acts.

Your Committee had a hearing before the Committee of Councils to whom this ordinance was referred, although without avail; and, after the ordinance had passed, we had an interview with the Mayor, earnestly requesting him to withhold his approval, on the ground that both builder and inspector had acted with full knowledge of the prohibitions of the ordinance, and that to relieve either of them from the just penalties of their own acts, and thus condoning lawlessness, would be a very dangerous precedent. We regret to say that the Mayor approved the ordinance.

Notwithstanding this disappointing result, your Committee continued its inspections, and discovered many other like cases of violation of the city ordinances, all of which we duly reported to his Honor, the Mayor, with the request that he should take such action as would compel compliance with the ordinances referred to. The buildings reported comprise one row of eleven buildings in the Twenty-seventh ward, and several rows—in all 130 dwellings—in the Twenty-sixth ward, all of which, it was ascertained, had been erected with the knowledge and approval of the building inspectors of the respective districts.

Under an order from the Mayor, the buildings in the Twenty-seventh ward were altered to conform to legal requirements, but up to this date the 130 buildings in the Twenty-sixth ward which were equally in violation of ordinance, remain in the same condition as when first reported to the Mayor, and the inspector of the district (Zimmerman), an appointee of the Director of Public Safety, has been retained in office.

The correspondence between the Mayor and your Committee on Abuses and Complaints will be found in Appendix K.

GREEN'S HOTEL.

Complaints having been made to us that the owner of the premises northeast corner Eighth and Chestnut streets, and adjoining properties on the east, was erecting wooden

additions to his back buildings, the Committee made a careful examination, and, finding the complaint to be well founded, the matter was brought to the notice of the Mayor.

At a full hearing before his Honor, the illegal character of the building being fully proven, and the fact shown that the building was being erected with the full knowledge and approval of the inspector (Hancock), his Honor promptly directed that the resignation of the inspector should be requested, and the City Solicitor was requested to apply for an injunction to restrain the builder from proceeding.

The injunction was granted by the Court, and, at a hearing which took place some two weeks thereafter, an agreement was made between the City Solicitor and the builder that the building should be made to conform to the requirements of the law.

Your Committee was not represented at this hearing, neither had we any notice as to when it would occur until the very day thereof, which notice did not reach our office until twenty minutes of noon, and quite too late to have any attention from the Committee.

The change which was agreed upon, on behalf of the city and the owner of the illegal building, was simply the erection of a wall, the full width of which on each story is filled by a mullion window. The building has been so completed and the injunction dissolved—a consummation, in our judgment, not in conformity with, but a bold evasion of law, as the very dangerous character of the building as a fire-trap has been in no wise abated.

POLLUTION OF THE SCHUYLKILL WATER.

The attention of the Executive Committee having been called to the fact that the mill owners and others at Manayunk had failed to connect their buildings with the intercepting sewer built by the city at great cost, a special committee was appointed to investigate the matter. This Sub-Committee made several visits to Manayunk during October of

last year, and it is thought that a brief history of the work will prove of interest to the members of the Association.

The pollution of the river at Manayunk has long been a glaring evil that the most careless observer could not fail to notice. The river at this point is narrow, and the east bank is lined for a mile or more with mills and factories, all of them heretofore discharging their entire drainage and waste products into the river. Back of the river on the hill-side is the large town of Manayunk, also draining into the river. When it is remembered that this point is only about six miles above the place where the city's water supply is impounded, it is not surprising that the outcry should have been both loud and prolonged against this abuse. As is well known, the city finally decided to build an intercepting sewer to carry the drainage of Manayunk and the Falls of Schuylkill below the dam at Fairmount. This sewer is substantially built of brick, is four feet in diameter, and has a grade of about one inch in one hundred feet. Starting from the extreme upper end of Manayunk it runs along the east bank of the river to a point midway between the Callowhill-street bridge and dam, discharging into the centre of the stream through a submerged pipe.

The Committee made two visits to Manayunk. Starting at the Pennsylvania Railroad bridge, the river bank and the premises of mills abutting upon it were carefully examined. At several points sewage and waste products were found emptying into the river. Rubbish, dye stuff and other deleterious matter were found dumped upon the steep bank, necessarily washing into the stream at every rain fall. At one establishment, a shoddy mill, a large quantity of fine woolen dust was being blown from a rear window upon the bank. The air about the mill was filled with this dust, and the bank covered to a depth of two or three feet with this exceedingly dirty refuse.

Upon the second visit we were accompanied by Mr. Hughes, Chief of the House Drainage Department of the Board of Health, and Mr. Smith, the district inspector.

Beginning at the upper end of the town, we visited, first, the works of the American Wood Pulp Company. At these works certain kinds of wood are converted into paper pulp, for which purpose, caustic soda and chloride of lime are used in large quantities. The inspector called our attention to the very excellent arrangements for carrying the waste products of this mill into the sewer; but, unfortunately for the mill owner, one of our number happening to pass out of a side door, found a large stream of waste liquids flowing into the river. This stream came from a part of the mill below the western portion, and the Committee inferred that it was not discharged into the sewer because pumping would be necessary in this case.

In fact, we have here the key to the whole difficulty at Manayunk. The sewer is presumably built as low as circumstances would permit in order to obtain the necessary grade to carry the sewage to the point of discharge below the dam at Fairmount. It is, however, considerably above the ground level of the mills on the river bank; hence, in order to discharge into it, pumps must necessarily be employed.

Some of the mill owners have provided the necessary apparatus, but by far the larger portion have neglected to do so.

The Committee embodied the results of their investigations in a report which was sent to his Honor, the Mayor, with the request that he bring the attention of the Board of Health to the matter. This was done, and the Board of Health has the matter under consideration. One of the results of the Committee's work has been the discharge of the district inspector as incompetent, but we do not learn that any proceeding has been commenced against either of the violators of the law, or that the nuisance, so prejudicial to the health of the city, has been in any respect abated.

DISCONTINUANCE OF THE GAS TRUST EQUITY SUIT.

On December 27th, 1888, the following resolution was offered in Select Council:

Resolved, By the Select and Common Councils of the City of Philadelphia, "that the City Solicitor be, and is, hereby authorized and directed to discontinue and mark settled and ended the suit of the City of Philadelphia against James McManes and others, now pending and undetermined for more than seven years in the Court of Common Pleas No. 1, for the City and County of Philadelphia of March Term, 1881, No. 559.

This resolution was passed without objection by the Select Council, and was at once messaged over to Common Council, and, on being considered by that body, a member moved to refer the resolution to the Committee on Law, which was voted down and the resolution was immediately and almost unanimously passed by that body.

The action of Councils in passing this resolution was published in the daily papers on the morning of December 28th, 1888. After consultation and at the request of several of the members, our Chairman called a special meeting of the Committee for that day, at which the following preamble and resolutions were unanimously adopted:

WHEREAS, The Select and Common Councils of the City of Philadelphia by resolution passed at their session of the 27th inst., directed the City Solicitor to discontinue the suit of the city now pending against James McManes and others, commonly known as the "Gas Trust Equity Suit," and

WHEREAS, The city has already expended a large amount of money in the prosecution of said suit, aided by voluntary contributions of over \$7000, made by private citizens and tax-payers, and

WHEREAS, A mass of testimony has been elicited, showing gross mismanagement on the part of the said parties and unlawful appropriation, to the extent of millions of dollars, of the city's money, and other acts and misdemeanors on the part of the said Trustees, and

WHEREAS, This voluminous testimony is now in the hands of a master, duly appointed by the court to collate

and give his decision thereon, and who has asked an appropriation of Councils for printing the same, which appropriation Councils have refused to make.

Therefore Resolved, "That the Citizens' Municipal Association enter its earnest protest against the action of Councils in directing the discontinuance of said suit."

Immediately after the adjournment of the meeting, a copy of the resolutions was presented to the City Solicitor, with the request that he should not discontinue the said suit until he had granted our Committee a hearing in reference to it.

The Solicitor informed the Committee that in his judgment the resolution of Councils was mandatory, that it did not require the approval of the Mayor, and that his only duty was to obey. On the 31st of December, the suit was discontinued and marked "settled."

Considerable stress was laid upon the matter by Councilmen and others in favor of discontinuing the said suit on account as they stated of the great bulk of the testimony and the large amount of money that would be required to have it printed, and that the Examiner, Mr. Townsend, had stated, after seeing the testimony, that he would not consider the case unless it was printed.

From a letter in our possession from Mr. Townsend, it appears that he never saw the testimony, and, as to the printing thereof, a few citizens had offered to be at the entire expense, had Councils refused to make the appropriation.

The discontinuance of this suit after such a large expenditure of time and money in its prosecution, and just when it was about to reach a proper determination—a discontinuance, at the instance and dictation of the parties implicated—was, in our judgment, so flagrantly in disregard of the rights and interests of the tax-payers, whose money had been unlawfully appropriated by these defendants, that the act of Councils cannot be too severely condemned.

Although the suit is discontinued, the record of the whole case remains and will continue to bear its unequivocal testimony to one of the most gigantic cases of maladministration and misappropriation of public moneys which can be found on the pages of municipal history.

MEMBERSHIP.

Number of members last report, April, 1888	123
Elected during the year	139
	<hr/>
	262
Deceased (George L. Buzby)	1
Dropped for non-payment of dues	1
Resignations	3
	<hr/>
	5
Present membership,	257

On this large increase of membership, the Association is to be congratulated, not only because of the consequent large and much needed addition to our income, but because it secures a much wider and more general interest among our fellow citizens.

An examination of the list appended hereto (see Appendix L), will show that not only every part of the city is now represented, but that it includes a very large proportion of our best known citizens in every department of business and professional vocations.

EXPENDITURES.

The expenditures of the year have been as follows, to wit:

Rent	\$ 500 00
Salaries and wages	2125 50
Legal expenditures and employment of experts . .	440 00
Printing annual report	54 00
Other printing, stationery, postage, &c.	558 21
	<hr/>
Total,	\$3677 71

ACKNOWLEDGMENTS.

The Committee desires to acknowledge the courtesy always extended to them by his Honor, the Mayor of the city, who has invited them freely to communicate with him

whenever occasion suggests, either to seek his aid in the correction of grievances, or the advocacy of measures promotive of the interests of the city. The City Controller and City Solicitor have also very cheerfully aided us in the discharge of our duties.

We also desire to acknowledge the aid which we have received from the press of the city, whose editors and reporters have, through their columns, given us access to the public.

The more familiar the people are made with the operations of the city government, and of the extent to which their interests are protected or neglected by city officials, the more intelligent and discriminating will they be in the exercise of their suffrages, and the sooner will they be able to realize the ideal municipal government in which public office is regarded, not as a reward of party service, but solely as a public trust, where no fraud or peculation is condoned, but where the laws are equally and faithfully administered as well for "the punishment of evil doers as for the praise of them that do well."

On behalf of the Executive Committee,

JOEL J. BAILY, *Chairman.*

APPENDIX A.

PHILADELPHIA, April 25th, 1888..

HON. EDWIN H. FITLER,

Mayor of Philadelphia.

DEAR SIR:—In the trial of the case of Hong vs. The City (Court of Common Pleas, No. 2, Judge Hare, January, 1888), for the macadamizing of Moyamensing avenue, it was clearly proved and admitted by the plaintiff that the avenue needed resurfacing at that time, and the plaintiff stated in court that he intended to complete this resurfacing as soon as the trial was concluded. We are informed that no resurfacing or any other repair has been done since the conclusion of

the trial, and complaint is made to us that the road is now in a very bad condition and ought to have immediate attention.

The contractor, Mr. Hong, is under bond to the amount of \$17,000 to keep the said road in good repair for three (3) years; this obligation was admitted and great stress laid upon it by the defendant and his counsel at the trial.

Complaints as to the present condition of the road have been verified by members of our Association, and we trust that your Honor will see the importance of having this contractor or his sureties comply with their contract without necessary delay.

On behalf of the Citizens' Municipal Association.

Very truly yours,

JOEL J. BAILY, *Chairman.*

APPENDIX B.

PHILADELPHIA, July 12, 1888.

HON. EDWIN H. FITLER,

Mayor of Philadelphia.

DEAR SIR:—On April 25th, last, I wrote you in reference to the condition of Moyamensing avenue, and asked that the contractor to macadamize said avenue (M. C. Hong) be required to comply with his contract by resurfacing the avenue, and putting the same in good repair.

On April 26th, I received a letter from your Secretary (written by your direction), acknowledging the receipt of my communication, and stating "that an inspection of the avenue will be made by the Director of the Department of Public Works on Friday next, and such action taken as may be necessary."

I was afterward informed that the Director stated that he intended to compel the contractor to put the avenue in good condition.

Two months have now passed, during which time, as we are informed, no attempt whatever has been made to remacadamize the surface or make repairs.

Having as late as yesterday caused a careful examination to be made, we have fully verified the complaints which have been made to us. The avenue is in many places in very bad condition, and needs resurfacing throughout its entire length.

Should these necessary repairs be much longer deferred, the season will soon pass and before winter many parts of the road will become dangerous and well nigh impassible.

In our judgment, there has been very great neglect, not only on the part of the contractor, but on the part of the city department charged with the supervision of this work.

Again referring you to my letter of April 25th, we would respectfully ask such immediate attention in this matter as its importance may in your judgment demand.

On behalf of the Citizens' Municipal Association.

Yours very truly,

JOEL J. BAILY,
Chairman of Executive Committee.

APPENDIX C.

OFFICE OF THE MAYOR.

PHILADELPHIA, July 23d, 1888.

Citizens' Municipal Association of Philadelphia:

GENTLEMEN:—His Honor, the Mayor, directed me to forward you, in reply to your communication of 20th inst., in re condition of Moyamensing avenue, the enclosed communication from Louis Wagner, Director of the Department of Public Works.

Yours respectfully,

LEWIS E. BEITLER, *Secretary.*

DEPARTMENT OF PUBLIC WORKS.

PHILADELPHIA, July 20th, 1888.

HON. EDWIN H. FITLER,

Mayor of Philadelphia.

DEAR SIR:—In reply to the letter of the Citizens' Municipal Association of Philadelphia, dated 12th inst., which you referred to me on the 17th inst., the Chief of the Bureau of Highways reports as follows:—

"At the time this complaint was made, I notified contractor Hong to make the necessary repairs. He first verbally objected to having anything further to do with the repairs to the avenue. I advised him that it was bad policy for him to take that ground, as the department would insist upon his doing the work. He then agreed to do it and to haul fine stone there for filling up the ruts.

"In driving over it, I find that the road is in that condition that it should have attention; the fine material used for the crown of the street is pretty well worn out, and the large or bottom stones begin to show from the surface. The street now should be resurfaced, sprinkled and rolled, and I will have notice served upon him to that effect, and will require either the work to be done as I prescribe or a letter of refusal, so we will know what we will have to do to save the street from further damage."

I will keep you advised of further developments in this matter.

Yours truly,

LOUIS WAGNER, *Director.*

APPENDIX D.

PHILADELPHIA, May 8th, 1888.

GEN'L LOUIS WAGNER,

Director of Public Works.

DEAR SIR:—Mr. Oliver Wilson, the contractor for collecting ashes in the First district, is depositing the same on the sides of the macadam on Moyamensing avenue below

Broad street. The specifications for this work called for clean ashes, cinders or gravel. This contractor is putting on some ashes, mixed with tin cans, refuse from the yards and cellars of houses, street dirt and other refuse matter.

An attempt was being made in the afternoon to rake out some of the tin cans and other refuse matter, which gives it a better appearance, but it is not the kind of material required in the contract. When Mr. Ahern's (the Assistant Commissioner) attention was called to the matter, he attempted to defend the contractor.

Is there not one trustworthy and capable man in your department that you can place in charge of this work, and who will see that it is properly done; or must the city be defrauded as was attempted in the macadamizing of this avenue?

Attached please find copy of communication from a number of citizens in reference to the matter.

Will you please give it your attention?

On behalf of the Citizens' Municipal Association.

Yours truly,

T. B. M. ADDIS, *Agent.*

DEPARTMENT OF PUBLIC WORKS.

PHILADELPHIA, May 8th, 1888.

Respectfully returned. There are plenty of trustworthy and capable men in this department who will see that the interests of the city are properly looked after, and that this and all other contracts are fully complied with.

LOUIS WAGNER,
Director of Public Works.

APPENDIX E.

PHILADELPHIA, August 6th, 1888.

HON. EDWIN H. FITLER,

Mayor of Philadelphia.

DEAR SIR:—Many complaints having been received at this office, and from almost every part of the city, in reference

to the bad condition of the streets, and the indifferent character of the repairs being done upon them, we have caused a very careful examination to be made.

We find, first, that the streets are being repaired in many instances with very little regard to the specifications of the contracts. *Section 5* of the specifications, requires that:— “Where repairs are ordered, the old pavement shall be removed for the exact areas, and the street excavated to a uniform sub-grade, eight inches below the top of the finished pavement, and the dirt and surplus material removed.”

Section 6. “The necessary amount of paving sand or gravel shall be added, and the pavement restored and rammed to the exact grade.”

Section 8. “Cobble and rubble stones shall be set in the pavement, with their greatest length vertical, in close contact with each other, forming the smallest possible joints and cavities for gravel, and breaking joints by distances of not less than two inches,” and

Section 10. “That the joints and cavities in all pavements shall be filled with paving sand or pebbles, and the pavement well rammed three times until no further settling occurs under fifty-five-pound rammers.”

In a large number of streets examined, we have found that these several essential specifications have been widely disregarded, and the consequence is, that such paving has no permanence, and in many places is already in ruts or broken up.

The results of this season’s work have confirmed the views before expressed by this Committee, as to the inefficiency and wastefulness of the system adopted by the Highway Department of contracting by the square yard, for the repairs of streets; and it is with great regret, that we have witnessed the expenditure of so large a portion of the city’s money, with so little benefit.

If we are correctly informed, about two-thirds of the sum appropriated for the repairs of streets, one hundred and

seventy thousand (170,000) dollars has already been expended, and scarcely one-third of the streets needing repair have had any attention up to this time.

Miles upon miles of the city's streets are to-day in a wretched condition, dangerous to travel, and some of them almost impassable, and with every prospect that they will remain so for at least another year.

In September of last year, we laid before your Honor a carefully prepared statement of the condition of over one hundred miles of streets occupied by the passenger railway companies. We regret to say that, with a few exceptions, there has been no improvement in their condition since that time, while some of them have become very much worse.

In May last, the attention of the Department of Public Works was particularly called to the very bad condition of Race and Vine streets. A few repairs have since been made, but altogether inadequate, and these streets remain in very bad condition.

With a few exceptions, the streets used by the "Traction Company" are in a worse state than they were at this time last year. The portions of Seventh, Ninth and Franklin streets, on which the cable cars are run, are almost completely monopolized by this company; and, in many places on the sides between the tracks and curbs, the streets are cut into deep ruts and are unsafe for travel. So bad is the condition of these three streets, that they are now avoided for public driving, except in cases of necessity.

Although some work is being done on streets occupied by the passenger roads, it is insignificant in the view of the need, and affords no prospect whatever that the streets occupied by railways will ever be restored to good condition.

The legal obligation of the railway companies, "to keep in repair from curb to curb the streets occupied by them," is as clear and explicit as the English language can make it, and it has been several times set forth and emphasized by the courts; and, in the words of Judge Thayer, "It is a part of the price which the Legislature exacted for the privileges

granted, and I may add they were cheaply purchased at the price imposed," and yet the attitude of some of the railway companies is law defiant, and they manifest the utmost indifference to their obligations.

Even streets upon which the city has expended large sums in repaving with Belgian block, and which some of these companies occupy, they fail to keep in good condition.

No streets can be kept clean unless they are well paved. Well-paved streets are therefore essential for the health as well as the comfort and convenience of the citizens, and the tax-payers have a right to demand them.

We believe that the streets of the city were never in worse or more neglected condition than they are to-day. It is a reproach upon Philadelphia, which should not be permitted to continue.

In our opinion, those who have taken contracts to repair streets should be compelled to live up to their contracts, and payment should be withheld until they did so, and that the passenger railway companies should likewise be compelled forthwith to put in order the streets occupied by them.

Permit us respectfully but very earnestly to press these matters upon your immediate attention, in the most vigorous measures which may be in your power to adopt, to compel compliance with contracts and observance of law.

We feel assured that you will have the support of all good citizens.

On behalf and by direction of the Executive Committee of the Citizens' Municipal Association.

Yours very truly,

JOEL J. BAILY, *Chairman.*

APPENDIX F.

PHILADELPHIA, December 19th, 1888.

GEN'L LOUIS WAGNER,

Director of Public Works.

DEAR SIR:—By resolution of the Executive Committee of the Citizens' Municipal Association, adopted at a meeting

held this day, I have been directed to notify you that the contracts for the year 1888, for the repair and maintenance of unpaved and macadamized highways, etc., have not been enforced so far as they refer to the repair and maintenance of macadamized streets and roads, but have been grossly neglected; nor does it appear that any attempt has been made by your department to enforce the said contracts in these important particulars referred to.

And now in view of your advertisement for sealed proposals for like work, for the year 1889, with the same specifications, the bids for which are to be opened by you at 12 o'clock noon, on Friday, the 21st inst., I am further directed to notify you, and through you to notify all bidders for the proposed work, "that it is the intention of this Association to see that all contracts made under the proposals as now advertised for, shall be fully complied with in every particular, according to the specifications."

On behalf of the Executive Committee of the Citizens' Municipal Association.

Yours respectfully,

JOEL J. BAILY, *Chairman.*

APPENDIX G.

PHILADELPHIA, January 2d, 1889.

COL. R. P. DECHERT,

City Controller.

DEAR SIR:—At a stated meeting of the Committee on Abuses and Complaints of the Citizens' Municipal Association, held at their rooms this day (January 2d, 1889), the following resolution was unanimously adopted, and the Agent requested to forward a copy of the same to the City Controller.

Resolved, That the City Controller be, and is, hereby requested not to sign any warrant for the paving of intersections on Girard avenue, from Broad to Morton streets,

and for the furnishing and laying of crossing stones on the same, on the ground that the act of Assembly had not been complied with; in that the Director of Public Works made a contract for the paving of said intersections, without having first advertised for bids for the paving of said intersections; and, further, that the paving of the intersections and the furnishing and laying of the crossing stones should have been done by the passenger railway companies, as required by law, and is therefore not a legal obligation of the city. [From the minutes.]

Yours respectfully,

Attest: T. B. M. ADDIS, *Agent.*
JOSHUA L. BAILY,
Chairman, Committee on Abuses and Complaints.

APPENDIX H.

PHILADELPHIA, January 15th, 1889.

*To the Chairman and Members of the Executive
Committee of the Citizens' Municipal Association:*

GENTLEMEN:—In accordance with your request, I hereby submit the following in reference to the paving of the market plots and intersections on Girard avenue, from Broad to Morton streets, and furnishing and laying crossing stone on the intersections of the said avenue.

In March, 1888, the following ordinance was passed by Councils and approved by the Mayor.

AN ORDINANCE

To authorize the paving of the unpaved spaces reserved by the city for market purposes on Girard avenue, between Broad and Morton streets, with granite, Pennsylvania or Lambertville blocks.

Section 1. The Select and Common Councils of the city of Philadelphia do ordain, "That the Director of the Department of Public Works be, and is, hereby authorized and directed to enter into a contract with a competent paver or pavers for the paving of the unpaved spaces reserved by the city for market purposes on Girard avenue, between Broad and Morton streets, with granite, Pennsylvania or Lambertville blocks and gravel joints; cost of intersections, non-assessable property, and all necessary grading and removal of curbstones to the city yard, which is to be done by the party or parties having the contract for paving, not to exceed seven thousand (7000) dollars. The conditions of which contract shall be, that the contractor or contractors shall collect the cost of said paving from the owners of property respectively fronting said unpaved spaces, and shall also enter into an obligation to the city to keep said spaces, when paved, on said Girard avenue, in good repair for three years after the paving is finished; *Provided*, the Director of the Department of Public Works first advertise for proposals for paving said spaces and award the contract to the lowest bidder, and that the owners of property fronting on said spaces shall not be charged more than the contract price; *Provided, further*, that the Passenger Railway Company occupying and using Girard avenue, between Broad and Morton streets, shall be at the cost of removing their tracks to the centre thereof.

Approved the twenty-eighth day of March, A. D., 1888.

EDWIN H. FITLER,

Mayor of Philadelphia.

After the passage of the above ordinance, Director Wagner advertised for proposals for grading and paving the market plots (but not for intersections), but for reasons not made public did not award the contract.

On September 6th, 1888, the Mayor sent to Councils the following message and letter from Director Wagner, which was referred to the Committee on Highways.

MAYOR'S OFFICE.

PHILADELPHIA, September 6th, 1888.

*To the Select and Common Councils
of the City of Philadelphia.*

GENTLEMEN:—I have the honor to herewith transmit for your consideration a communication from Louis Wagner, Director of the Department of Public Works, relative to a proviso in the ordinance authorizing the paving of the old market plots on Girard avenue, between Broad and Morton streets, and requesting additional consideration with a view to a modification of the ordinance on account of the position taken by the Passenger Railway Companies.

I am, respectfully,

EDWIN H. FITLER, *Mayor.*

DEPARTMENT OF PUBLIC WORKS.

PHILADELPHIA, September 1st, 1888.

HON. EDWIN H. FITLER,
Mayor of the City of Philadelphia.

DEAR SIR:—On March 28th, an ordinance was approved authorizing the paving of the old market plots on Girard avenue, between Broad street and Morton street. This ordinance contained a proviso that the Passenger Railway Company occupying and using Girard avenue shall be at the cost of removing their tracks to the centre of the street. Work under this ordinance has been delayed because of the desire of the department to secure a modification of the requirement that the old curbstone should be removed to the city yard. The city having no use for this stone, and their removal to and from the yard to a place where they might be used by some one would exceed the value of the stones and would increase the cost of the paving to the property owners without any benefit to the city. It has

been impossible to secure the assent of the Second and Third Streets Passenger Railway Company to the removal of its tracks, as prescribed by the ordinance of Councils, the President of that Company writing me finally on August 30th, as follows:

"I have thoughtfully and carefully examined the same (the removal of our tracks on Girard avenue to the centre of the street), and believe it would be greatly to the disadvantage of the public using the cars, as well as considerable expense in removing the same without any one being benefited. Under the above circumstances I am opposed to the moving of the tracks."

The Peoples' Passenger Railway Company have been ready to remove their tracks as soon as the street was properly graded, and they desire permission to remove a curve now obstructing, to some extent, the intersection at Girard avenue and Charlotte street, to a point some 150 feet west of that place. I have the honor to request that you will ask Councils to give this matter additional consideration, with a view to a modification of the present ordinance made necessary by the position taken by Passenger Railway Companies, in time, if possible, to have this paving done this year. The street is in a very unsatisfactory condition and should have early attention.

Yours truly,

Louis Wagner, *Director.*

The Committee on Highways of Councils, after consideration of the message from the Mayor, and letter from the Director of Public Works, asking for a modification of ordinance of March 28th, 1888, passed the following ordinances:

FIRST.—AN ORDINANCE

To authorize the grading of the market plots on Girard avenue, from Broad to Morton streets.

Section 1. The Select and Common Councils of the City of Philadelphia do ordain: That the Department of Public Works be, and is, hereby authorized and directed to

grade, to the established grade of the city, the market plots on Girard avenue, between Broad and Morton streets, at a cost not to exceed five thousand (5000) dollars; *Provided*, The old curb stones be given to the grading contractor as part of the price for said work, and that the owners of property fronting on said streets shall grade, curb and pave their sidewalks; *Provided*, That said streets shall be first dedicated or properly opened; *And Further Provided*, That the said grading shall be advertised for, and the contract awarded to the lowest bidder. All ordinances or parts of ordinances inconsistent herewith be, and the same are, hereby repealed.

[Approved the Twenty-fifth day of September, A. D. 1888.]

EDWIN H. FITLER,
Mayor of Philadelphia.

SECOND.—AN ORDINANCE

To amend an ordinance, entitled, "An Ordinance to authorize the paving of unpaved spaces reserved by the city for market purposes, on Girard avenue, between Broad street and Morton street, with granite, Pennsylvania or Lambertville blocks," approved March 28th, 1888.

Section 1. The Select and Common Councils of the City of Philadelphia do ordain: That the ordinance, entitled, "An Ordinance to authorize the paving of the unpaved spaces, reserved by the city for market purposes, on Girard avenue, between Broad and Morton streets, with granite, Pennsylvania or Lambertville blocks," approved March 28th, 1888, be altered and amended, by striking out the last proviso, which reads as follows: *Provided Further*, That the passenger railway company occupying and using Girard avenue, between Broad and Morton streets, shall be at the cost of removing their tracks to the centre thereof, and inserting in lieu thereof, the words: *Provided*, That the People's Passenger Railway Company shall be permitted to remove their tracks to the centre of the street

without expense to the city, upon plans approved by the Department of Public Works.

[Approved the Nineteenth day of October, A. D. 1888.]

EDWIN H. FITLER,

Mayor of Philadelphia.

The ordinance of March 28th, 1888, authorizing the paving of the market plots; *Provided*, That the city should not be liable for an amount exceeding the sum of \$7000.

The ordinance of September 25th, 1888, authorizing the grading of the plots, fixed the price of grading at \$5000, and gave the curb stones around the plots to the contractor as part of the price for grading, and repealed that portion of ordinance of March 28th, which directed that the contractor should haul them to the city yard, and the ordinance of October 19th, 1888, repealed the portion of the ordinance of March 28th, which provided "that the passenger railway company occupying and using Girard avenue, between Broad and Morton streets, should be at the cost of removing their tracks to the centre thereof," by inserting in lieu thereof, the words: "That the People's Passenger Railway Company shall be permitted to remove their tracks to the centre of the street without expense to the city, upon plans approved by the Department of Public Works."

On October 19th, 1888 (the same day that the last ordinance was approved by the Mayor), the Director of Public Works advertised for proposals for grading and paving the market plots, as follows:

DEPARTMENT OF PUBLIC WORKS.

BUREAU OF HIGHWAYS.

Office, City Hall.

PHILADELPHIA, October 19th, 1888.

Sealed proposals, indorsed bids for the items bid for, and addressed to the undersigned, at the office above mentioned, will be received until 12 o'clock noon, Monday, October 29th, 1888.

Schedule C.

For grading and paving market plots on Girard avenue, from Broad to Morton streets.

Bids must state the price per cubic yard for grading, and per square yard for paving, but the work will be awarded as a whole.

The price bid will be in addition to the curb stones now on the street, which will become the property of the successful bidder.

Bids will be received—

First, for the work to be completed this season.

Second, at a time to be named in each bid in 1889.

LOUIS WAGNER, *Director.*

On October 29th, the following proposals were received:

GRADING MARKET PLOTS ON GIRARD AVENUE.

		Work to be completed.
Michael O'Rorke,	70c. per cubic yard.	Dec. 31st, 1888.
" "	43c. " " "	Sept. 15th, 1889.
Shanley & Mack,	48c. " " "	Dec. 31st, 1888.
" "	48c. " " "	July 31st, 1889.
Jos. Johnson & Co.,	43½c. " " "	Nov. 1st, 1889.
D. & P. McNichol,	50c. " " "	Oct. 1st, 1889.

PAVING MARKET PLOTS ON GIRARD AVENUE.

		Work to be completed.
Michael O'Rorke,	\$3.50 per sq. yd.	Dec. 31st, 1888.
" "	2.90 " " "	Sept. 15th, 1889.
Shanley & Mack,	2.98 " " "	Dec. 31st, 1888.
" "	2.68 " " "	July 31st, 1889.
Joseph Johnson & Co.,	2.95 " " "	Nov. 1st, 1889.
D. & P. McNichol,	2.55 " " "	Oct. 1st, 1889.

Shanley & Mack being the lowest bidders to complete the work in 1888, the Director of Public Works awarded them the contract, notwithstanding the bid of Daniel

McNichol to do the work in the spring of 1889, for \$2.55 per square yard, was 43c. per yard lower than that of Shanley & Mack.

The following letter was sent by the Director to the City Controller with a copy of the schedule of bids:

DEPARTMENT OF PUBLIC WORKS.

PHILADELPHIA, November 2d, 1888.

This certifies that the accompanying schedule is a copy of the bids received in reply to the advertisement appended for paving and grading streets, and grading and paving market plots on Girard avenue in the Bureau of Highways, and that the contracts were awarded to the lowest bidder as marked in blue pencil.

LOUIS WAGNER, *Director.*

On or about the date of the above letter (November 2d, 1888), Shanley & Mack commenced to grade and pave the market plots; the City Solicitor prepared a contract in accordance with ordinances of Councils of March 28th, September 25th, and October 19th, 1888, which ordinances authorized only the grading and paving of the plots; and provided that the city should not be liable for an amount exceeding the sum of \$7000. This contract was not signed by the contractors.

About the middle of November, the contractors also commenced to take up the cobble stones at the intersections, and repave the same and lay new crossing stone at the intersections of the cross streets.

No ordinance was ever passed authorizing the grading and paving of these intersections, nor had the work been advertised for as required by act of Assembly.

On November 22d, after several of the intersections had been graded and paved, the following ordinance was offered in Common Council:

AN ORDINANCE

To appropriate twenty-two thousand (22,000) dollars to pay for paving intersections on Girard avenue, from Broad to Morton streets.

Section 1. The Select and Common Councils of the City of Philadelphia do ordain: That the sum of twenty-two thousand (22,000) dollars be, and the same is, hereby appropriated to pay for the paving of the intersections on Girard avenue, from Broad to Morton streets with Belgian blocks, to be charged to item 2, of the appropriation to the Department of Public Works, Bureau of Highways, for the year 1888.

[Approved the eleventh day of December, A. D. 1888.]

EDWIN H. FITLER,

Mayor of Philadelphia.

This ordinance was referred to the Committee on Highways, and on the same afternoon, the Chairman of that Committee reported the bill back to Councils, signed by twelve members of Common Council and three of Select, and was passed by Councils, December 6th, and approved by the Mayor, December 11th.

Immediately after the passage of this ordinance, the Law Department (by direction of the Director of Public Works) prepared another contract to grade and pave the market plots from Broad to Morton streets, and also the intersections of all streets crossing Girard avenue between the points above named, and to furnish and lay new crossing stone on the same, the city to be liable for the sum of \$29,000 in place of \$7000, as directed by ordinance of March 28th, authorizing the work to be done.

This contract was signed by the Mayor and Messrs. B. M. Shanley and John M. Mack on December 19th, six weeks after the work had been commenced, and within eleven days of the time named in the bid and contract for the completion of the work, December 31st, 1888.

The contractors claim that they completed their work by that time, and their bills were approved by the Director of Public Works.

These contractors are not entitled to recover against the city for the following reasons:

FIRST.—Paving of the intersections was not authorized by ordinance of Councils, and the work was nearly completed before contract was signed. The illegality of this action is clearly shown by the following section of ordinance of 1877:

AN ORDINANCE RELATING TO CONTRACTS.

Section 3. “In no case shall a chief of a department allow any work to be commenced under any proposed contract, until Councils shall have passed an ordinance authorizing the work to be done, and the Mayor shall have signed the contract.”

[Approved this fifth day of July, Anno Domini one thousand eight hundred and seventy-seven, A. D. 1877.]

WILLIAM S. STOKLEY,
Mayor of Philadelphia.

SECOND.—Paving of intersections and furnishing and laying of the crossing stone not advertised for as provided by law (see Section 1, Ordinance of Councils, 1877, page 65), as follows:

AN ORDINANCE TOUCHING THE AWARDING OF CONTRACTS
AND THE COUNTERSIGNING OF WARRANTS
THEREOF.

Section 1.—The Select and Common Councils of the City of Philadelphia, do ordain: That whenever contracts are awarded, after advertisement, as required by law, the officer or board of officers awarding such contract shall at once transmit a copy of the schedule of bids received, a copy of the advertisement, and a statement of the award of

the contract, indorsed by the proper committee, to the City Controller, and that officer is hereby directed not to countersign any warrant for any stationery, printing, paper, fuel, advertising, or for work and materials, unless he shall have been furnished with the statement, schedule, and copy of advertisement as hereinbefore provided.

[Approved this twenty-fifth day of April, Anno Domini one thousand eight hundred and seventy-seven, A. D. 1877.]

WILLIAM S. STOKLEY,

Mayor of Philadelphia.

THIRD. In the schedule furnished to the City Controller by the Director of Public Works, there were no bids for paving the intersections on the avenue, and for furnishing and laying crossing stones on the same.

The contract was illegal, inasmuch as the greater part of the work was done in the month of December, at which time no officer of the city had authority to allow any work of this character to be performed, without first obtaining the permission of the Select and Common Councils. [See Ordinance of Councils, December 19th, 1868, page 508.]

The city not liable, but may recover from the Director of Public Works who authorized the work to be done. [See act of Assembly 1858, section 5, page 368.]

"That no debt or contract hereafter incurred or made, shall be binding upon the City of Philadelphia, unless authorized by law or ordinance, and an appropriation sufficient to pay the same be previously made by Councils; *Provided*, That persons claiming unauthorized debts or contracts may recover against the person or persons illegally making the same."

The above act is in accordance with the following decisions of the courts.

"The city cannot be bound by the contract of her Agents, beyond their special authority." Barnes vs. Philadelphia, 3, Phila., 409.

"There can be no recovery for services rendered to the city during a time for which there was no appropriation." *Gambol vs. Philadelphia*, 37, L. I., 337.

There was no appropriation for this work until it was nearly completed.

"None of the Executive Departments have power to bind the city by a contract in excess of the appropriation, nor otherwise than as directed by ordinance." *Philadelphia vs. Flannigan*, 47, Bs., 21, &c.

As previously stated, there was no ordinance authorizing this work.

FOURTH. If the intersections had been authorized to be paved by Councils, it was the obligation of the passenger railway companies occupying and using the same to do the repaving, and furnish and lay the crossing stone as provided by ordinance as follows:

AN ORDINANCE
SUPPLEMENTARY TO AN ORDINANCE, ENTITLED "AN ORDINANCE
TO REGULATE PASSENGER RAILWAYS."

[Approved July 7th, 1857.]

Section 1. The Select and Common Councils of the city of Philadelphia do ordain: That all passenger railroad companies, within the limits of the City of Philadelphia, shall, in addition to the restrictions, limitations, terms and conditions contained in an ordinance, entitled "An ordinance to regulate passenger railways," approved July 7th, 1857, be subject to all the restrictions, limitations, terms and conditions hereinafter provided for, to wit:

1st. "They shall be required to lay flag-stones or crossings of not less than two feet in width, across the entire width of all paved streets occupied by them, at each and every public lane, street or alley opening upon any street or highway upon which the rails are laid; and where no such street, lane or alley opens thereon, then the said

flagging shall be at distance of not exceeding two hundred and fifty feet."

2d. "That all the streets or highways, which are unpaved at the time of laying the rails, shall be kept in good traveling order by the railroad company, until the same shall be paved by the owners of property thereon, after which they shall be repaved, repaired and kept in good order, at the proper cost of the railroad company occupying the same."

The sides of the street and intersections on this avenue, had been previously paved, and the cost thereof paid for by the property owners and the city; hence, in accordance with the above ordinance, the railway companies were bound to repave them.

The contractors, as previously stated, commenced this work early in November, and completed the same on or about December 31st (less than two months). Part of the time, it was very wet weather and rained or snowed 18 days; at other times, very cold, the ground at times being frozen to the depth of from six to eight inches.

No attention had been given by the Director of Public Works previous to the contractors commencing work, to ascertain as to the proper grade of the avenue, and the top of the block pavement on the plots in places, is from six to ten inches lower than the cobble on the sides, in consequence of which, in time of wet weather, the block paving is covered to the depth of several inches with water, making it almost impassable for pedestrians.

The gravel in the bed of the street was not properly rammed or rolled, and the pavement in many places not properly laid as required by specifications; the crossing stones are not square dressed at ends and not properly laid. In fact, it was impossible for the work to be properly done in the kind of weather in which this street was paved.

This work after being delayed unnecessarily until near the close of the year 1888, should not have been done until the Spring of 1889, and then paved from curb to curb;

the contract, after advertisement, awarded to the lowest bidder; the passenger railway companies, after due notice, compelled to repave the sides of the street to the proper grade, also to repave the intersections and furnish and lay crossing stones on the same. Yours truly,

T. B. M. ADDIS, *Agent.*

APPENDIX I.

PHILADELPHIA, March 7th, 1889.

*To the Select and Common Councils
of the City of Philadelphia.*

GENTLEMEN:—The Citizens' Municipal Association of Philadelphia respectfully present their objections to the passage of the ordinance reported by the Finance Committee February 7th (see Appendix Common Council, 267), providing for the payment to the estate of William W. Dickinson, the sum of forty thousand six hundred and ninety-five (40,695) dollars and thirty-nine (39) cents, for the paving of Market street, from Forty-third to Sixty-third streets, "in front of property exempt, because rural."

We find that the opening, grading and paving of this street was provided for by act of Legislature, April 5th, 1870. It does not appear that the act was passed at the request of the owners of property on the line of said street, or of those doing business thereon, or at the request of the Councils of Philadelphia, but, as is alleged, and your petitioners have good reason to believe, was at the instigation and in the interests of contractors.

Subsequently, to wit, November 26th, 1872, William W. Dickinson entered into a contract with the city, to grade, curb and pave the said Market street, from Forty-third to Sixty-third streets as provided for in the act, a principal provision of the act being in these words, to wit, "Said contractor to collect the costs thereof, except the paving of intersections, from the property owners."

That the whole cost of paving and curbing, except as to the paving of intersections, was to be borne, not by the city, but by the property owners, is as clear as language can make it.

Under this contract, the city paid to the said Dickinson a very large sum of money, to wit:—

For grading,	\$70,486.50
For paving intersections,	23,019.46
For gutter and crossing stones, . .	3,012.36
In all	\$96,518.32

which amount was, in the opinion of competent judges, a very generous payment for the work performed. This the contractors received in addition to at least \$20,000 collected from the property-owners, who, although not by law liable, paid the money, either without being well informed of the circumstances, or to avoid litigation.

That the city was in no way liable for the paving, except as to intersections, was as clearly stated in the contract as it had been in the act of the Legislature, and that owners of rural property could not be held liable for paving had been decided by the Supreme Court in the Washington avenue (Pittsburgh) case, January 9th, 1871, nearly two years before the date of the Dickinson contract; a decision so widely known and understood among contractors, that Dickinson could hardly plead ignorance of it. He took all the risks in making the contract and in going on with the work, and, in our judgment, has no claim whatever upon the city for relief from the responsibility of his own act.

Besides all this, the work was not done according to contract, and as required by ordinance of Councils of June 12th, 1868, which among other requirements of a rubble pavement, particularly specifies the size and quality of the stone to be used. Some of the stone was only a fraction of the size, and others many times larger than the size specified, were of inferior quality and were not "flat top surface," as

required by the ordinance. That some of the stone was of inferior quality, was admitted by the contractor himself, who in the case of Blankley vs. Dickinson—a suit for payment for stone supplied for the paving of Market street—the said contractor (Dickinson) put in a defense that the stone was not of the proper quality. These particulars were very fully shown by the testimony in the suit of Dickinson vs. Patterson, in which case the verdict was for the defendant.

In many places the paving was cut into deep ruts not long after it was laid. It has never been in good order; but by reason of its failure to conform to the requirements of the ordinance of Councils, it has always been and is now a very uncomfortable and dangerous street to travel on, and is avoided by travelers; and, by reason of its condition, it has been a detriment and not an advantage to the abutting properties, and has retarded improvements all along the line of the street.

There are other streets in the city, which were paved at about the same time, with quite as little warrant and in as unsatisfactory a manner, and payment for which has been resisted by property owners. Should this claim be allowed, it will open the door for many others of like character.

On the ground therefore, that this is not a good claim against the city, either in law or equity, and because it would be an unwise and probably a very expensive precedent, we earnestly object to the passage of the ordinance referred to.

On behalf and by order of the Executive Committee,

Yours respectfully,

JOEL J. BAILY, *Chairman.*

P. S.—The payment made the said Dickinson by the city (\$96,518.32) was not the only expense in which the city was involved by reason of this contract, inasmuch as over \$56,000 was paid to property owners as land damages, making the whole outlay by the city on this account over \$152,000.

APPENDIX J.

PHILADELPHIA, April 23d, 1888.

HON. EDWIN H. FITLER,

Mayor of Philadelphia.

DEAR SIR:—Permit me to call your attention to a violation of city ordinances in the erection of a row of buildings consisting of eighteen tenements completed, and others in course of construction, on the east side of Forty-sixth street below Woodland avenue. These buildings have brick fronts, but the rear and part of the side walls are wholly of wood, in violation of the ordinances of July 13th, 1867, and January 4th, 1870, supplementary to an ordinance of April 11th, 1863, prohibiting the erection of wooden buildings within certain limits.

Very respectfully yours,

JOSHUA L. BAILY,
Chairman Committee on Abuses and Complaints.

APPENDIX K.

PHILADELPHIA, July 5th, 1888.

HON. EDWIN H. FITLER,

Mayor of Philadelphia.

DEAR SIR:—Since writing you on April 23d, in relation to a violation of city ordinances, by the erection of a row of eighteen building, partly of wood, on Forty-sixth street below Woodland avenue, a complaint has been made to our Association by a committee of the Carpenters' and Joiners' Association, that a row of eleven dwelling houses was in course of erection on Forty-fourth street north of Spruce street, the back buildings of which were partly of wood.

We have had the same carefully examined, and find the complaint correct. These houses are three story in height, of brick, with the exception that the rear wall is of brick only on the first floor, and adjoining and in the rear of this

is a three-story frame building enclosed. First story in each instance separated from the immediately joining building by a wood partition only one inch in thickness.

The second story is a chamber or sitting room, extending from the rear, over and above the brick wall below, which is fourteen feet by eleven feet in width, the west wall and eight feet each of the north and south walls being wood or frame. The third-story room is of like character. The whole of this three-story structure is clearly in violation of the ordinance of April 11th, 1863, as well as of the supplements thereto of July 13th, 1867 and January 4th, 1870.

We trust that your honor will find it proper to take such action as will compel compliance on the part of the owner with the ordinances referred to.

Yours very respectfully,

JOSHUA L. BAILY,
Chairman Committee on Abuses and Complaints.

PHILADELPHIA, July 12th, 1888.

HON. EDWIN H. FITLER,
Mayor of Philadelphia.

DEAR SIR:—Information having been received at this office, that a considerable number of buildings had been recently erected in the Twenty-sixth ward, contrary to the provisions of the ordinance of July 13, 1867, prohibiting the erection of wooden buildings within the said (Twenty-sixth) ward, we have had a careful examination made, with the following result, viz.:

We find that there are in the ward referred to (Twenty-sixth) within the district bounded by Morris, Mifflin, Broad and Sixteenth streets, no less than one hundred and thirty (130) houses, the back buildings of which are constructed of wood in violation of the provisions of the ordinance above referred to. The location of these houses is more particularly described in the accompanying statement.

These buildings are all within the district of Building Inspector Zimmerman, who, we are informed, has just been reappointed.

Respectfully asking your attention in the matter.

Yours truly,

JOSHUA L. BAILY,

Chairman of Committee on Abuses and Complaints.

JOEL L. BAILY,

Chairman of Executive Committee.

OFFICE OF THE MAYOR.

PHILADELPHIA, July 26th, 1888.

Citizens' Municipal Association of Philadelphia.

GENTLEMEN:—His Honor, the Mayor, directs me to forward you the enclosed copy of report of James Zimmerman, Building Inspector, in re buildings referred to in your communication of 12th inst., and to state that the neccessary steps will be taken to enforce the provisions of the law.

Yours respectfully,

LEWIS E. BEITLER, *Secretary.*

PHILADELPHIA, July 24th, 1888.

MR. WILLIAM S. STOKLEY,

Director of Public Safety.

DEAR SIR:—The communication of the Municipal Association received, and reply that the Newbold street houses have wooden bath houses out from the second story and were built in a lawful manner. After the houses were finished, there were erected, under the bath houses, wooden kitchens, about 6 x 10 feet; they were separated about six feet apart. The Mole street houses were built in the same way. The Hicks street houses have wooden bath houses out from the second story, but the lower story is built of brick as the law requires.

The Rosewood street houses have wooden bath houses out from the second story. Since they were finished, one side and part of the front have been boarded up, the other side is left entirely open, so they are not wooden back buildings as the Committee would infer, because the second stories are lawful and only the first-story wooden kitchens are unlawful.

Hoping that the above explanation will meet with your approbation, I remain,

Very respectfully yours,

JAMES ZIMMERMAN, *Inspector.*

PHILADELPHIA, August 1st, 1888.

HON. EDWIN H. FITLER,

Mayor of Philadelphia.

DEAR SIR:—We are in receipt of your favor of the 26th ult. (through your Secretary, Mr. Beitler), acknowledging the reception of our communication to you of 12th ult., in relation to frame building in the Twenty-sixth ward, and sending us a copy of a letter from Building Inspector, James Zimmerman, addressed to Mr. W. S. Stokley, Director of Public Safety.

Mr. Zimmerman's statement, in regard to the condition of these buildings, differs so materially from that reported to you by this committee, that we have thought it worth while to make a further examination, which has been done this day by four of our members.

In Mr. Zimmerman's letter, he says, "The Newbold street houses have wooden bath houses out from the second story, and were built in a lawful manner. After the houses were finished, there were erected, under the bath houses, wooden kitchens about 6 x 10 feet, separated about six feet apart;" and he then goes on to say, "The Mole street houses are built in the same way."

Although these wooden kitchens may have been constructed after the over-hanging bath rooms, the committee find them to be homogeneous parts of the buildings, and

that according to the evidence of several of the residents were finished and the whole building completed at the same time, and before any of them were occupied.

Mr. Zimmerman is also in error as to the size of these kitchens, which we find to be 9 x 10 feet instead of 6 x 10 as stated by him.

There are several other streets beside those above named, and in which the committee found whole rows of buildings of like character, and one row of nineteen houses even more unlawful than those already referred to, in that the wooden kitchens are not only built under the second-story wooden structures, but extend out beyond them to the further extent of four feet six inches.

Mr. Zimmerman goes on to say, "That the Hicks street houses have wooden bath houses out from the second story, but the lower story is built of brick as the law requires."

Here Mr. Zimmerman is very wide of the mark. We find the second story of the back building is wholly of frame, sixteen feet in length, and is not a bath house, but is intended, and is used, as a sitting-room or chamber.

There are fifty-four such buildings on Hicks street, thirty-six of them north and eighteen south of Morris street. On Rosewood street, we also found one row of houses, nineteen in number, the second-story back and the sides facing the yard to the depth of ten feet, built of wood.

The examination made by the undersigned fully confirms in every particular, the statements made to you in our letter of the 12th ult.

On behalf of the Citizens' Municipal Association..

Yours truly,

JOSHUA L. BAILY,

Chairman Committee on Abuses and Complaints.

HORACE W. PITKIN,

T. MORRIS PEROT,

WILLIAM HARKNESS, JR.

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To insure prompt attention, address all communications and complaints to

T. B. M. ADDIS, Agent,
 N. W. Cor. Thirteenth and Arch Streets.

APPENDIX L.

MEMBERS

OF THE

CITIZENS' MUNICIPAL ASSOCIATION.

Adamson, Chas. B.,	730 Market Street.
Alburger, John,	707 Chestnut Street.
Alderson, William C.,	228 S. Third Street.
Allen, William H.,	113 Market Street.
Allison, William C.,	Thirty-second and Walnut Sts.
Andrews, B. W.,	119 Market Street.
Atmore, Robt. E.,	141 S. Front Street.
Ayres, Louis H.,	711 Market Street.
Ayres, William M.,	711 Market Street.
Baeder, Charles B.,	730 Market Street.
Bailey, Christopher,	1136 Market Street.
Bailey, John T.,	1136 Market Street.
Bailey, Joseph T.,	Twelfth and Chestnut Streets.
Baily, Charles W.,	210 Chestnut Street.
Baily, Joel J.,	719 Market Street,
Baily, Joshua L.,	210 Chestnut Street.
Baird, John,	119 S. Fourth Street.
Baker, Alfred G.,	421 Walnut Street.
Bancroft, J. Sellers,	1600 Hamilton Street.
Barker, Eben F.,	208 S. Fourth Street.
Barnes, Henry M.,	706 Sansom Street.
Beck, S. C.,	807 Filbert Street.
Bentley, Henry,	107 S. Third Street.
Bergner, C. William,	1527 Walnut Street.
Biddle, Samuel,	Twelfth and Chestnut Streets.
Bisler, G. A.,	328 Juliana Street.
Blankenburg, R.,	109 Market Street.
Boldt, George C.,	Bullitt Building.
Bonbright, William P.,	Eleventh and Market Streets.
Brainerd, Erastus,	27 S. Seventh Street.

Brockie, William,	101 Walnut Street.
Bromley, George D.,	Adams and Jasper Streets.
Bromley, Thomas, Jr.,	York and Jasper Streets.
Brown, Samuel C.,	38 N. Nineteenth Street.
Brown, Wilson H.,	226 Chestnut Street.
Browne, W. H.,	528 Walnut Street.
Burnham, George, Jr.,	500 N. Broad Street.
Burnham, George, Sr.,	500 N. Broad Street.
Burnham, William,	220 S. Fourth Street.
Burton, Arthur M.,	504 Walnut Street.
Burton, Edward,	Tenth and Filbert Streets.
Butcher, Henry C.,	116 S. Third Street.
Cadwallader, Dr. Chas. E.,	240 S. Fourth Street.
Carson, Hampton L.,	Drexel Building.
Cassedy, James K.,	24 S. Fourth Street.
Castle, William H.,	38 N. Fourth Street,
Chambers, Francis T.,	712 Walnut Street.
Clapp, B. Frank,	140 S. Sixth Street.
Clapp, Nathan T.,	1726 Chestnut Street.
Clark, Clarence H.,	141 S. Fourth Street.
Clark, E. W.,	135 S. Fourth Street.
Clark, Joseph S.,	Bullitt Building.
Clothier, Isaac H.,	801 Market Street.
Coates, George M.,	127 Market Street.
Coleman, E.,	3209 Powelton Avenue.
Coleman, Henry P.,	328 Chestnut Street.
Comfort, Howard,	529 Arch Street.
Converse, John H.,	500 N. Broad Street.
Cope, Francis R.,	1 Walnut Street.
Corbin, E. A.,	430 Walnut Street.
Corson, Robert R.,	119 S. Fourth Street.
Creswell, Samuel J.,	Twenty-third and Cherry Streets.
Crew, J. Lewis,	113 Arch Street.
Cuming, John K.,	Tenth National Bank.
Cuyler, T. DeWitt,	Drexel Building.

Dallas, George M.,	263 S. Fourth Street.
Datz, William P.,	16 Decatur Street.
Dechert, Henry M.,	Drexel Building.
Ditman, Joseph G.,	Tenth and Filbert Streets.
Donovan, Daniel,	606 Market Street.
Dooner, P. S.,	23 S. Tenth Street.
Dornan, William J.,	100 N. Seventh Street.
Dougherty, James,	2212 Green Street.
Dreer, Ferdinand J.,	1520 Spruce Street.
Dreer, William F.,	714 Chestnut Street.
Dreka, Louis,	1121 Chestnut Street.
Earle, Edgar W.,	816 Chestnut Street.
Earle, George H., Sr.,	104 S. Sixth Street.
Elliot, A. G.,	30 S. Sixth Street.
Evans, Mordecai D.,	325 Walnut Street.
Evans, Nelson F.,	431 Walnut Street.
Eyre, Lincoln L.,	927 Chestnut Street.
Fanshawe, John R.,	230 S. Third Street.
Farrelly, Stephen,	614 Locust Street.
Febiger, Chris. C.,	706 Sansom Street.
Field, John,	818 Market Street.
Fisher, Dr. Henry M.,	919 Walnut Street.
Fletcher, George A.,	Twelfth and Chestnut Streets.
Fotterall, Stephen B.,	2001 Chestnut Street.
Foulke, J. Roberts,	409 Chestnut Street.
Francis, Harry C.,	Beach and Vienna Streets.
French, Clayton,	Tenth and Market Streets.
Gallagher, Charles J.,	Tenth and Filbert Streets.
Garrett, Philip C., . . . . .	. Logan Station.
Gazzam, Joseph M.,	714 Walnut Street.
Gillingham, Joseph E.,	943 Richmond Street.
Githens, Benjamin,	42 S. Front Street.
Graeff, John E.,	318 Walnut Street.

Griswold, William A.,	7 N. Front Street.
Grove, George W.,	216 Race Street.
Gross, Henry B.,	2314 Wood Street.
Grundy, William H.,	108 S. Front Street.
Gutekunst, F.,	712 Arch Street.
Hamilton, Charles L.,	1001 Chestnut Street.
Hamilton, Edwin E.,	1001 Chestnut Street.
Harkness, William, Jr.,	247 S. Third Street.
Harrah, Charles J., Jr.,	858 N. Broad Street.
Harrah, Charles J., Sr.,	858 N. Broad Street.
Harris, George S.,	718 Arch Street.
Harrison, Thomas S., Thirty-sixth and Gray's Ferry Road.	
Hart, Charles Henry,	Drexel Building.
Hastings, Robert E.,	819 Filbert Street.
Heebner, Samuel Y.,	Chestnut Hill.
Heins, Lewis S.,	1911 Lombard Street.
Henszey, William P.,	500 N. Broad Street.
Hill, Charles,	203 Church Street.
Hockley, Thomas,	205 S. Sixth Street.
Hopkins, Charles E.,	1113 Walnut Street.
Houston, William C.,	1224 Chestnut Street.
Hutchinson, Charles Hare,	219 S. Sixth Street.
Janney, Nathaniel E.,	215 S. Fifth Street.
Jenks, John Story	241 Chestnut Street.
Jenks, William H.,	241 Chestnut Street.
Jones, Owen,	801 Market Street.
Jones, Thomas F.,	20 S. Front Street.
Justi, H. D., Thirty-second and Spring Garden Streets.	
Justice, Henry,	122 S. Front Street.
Justice, Theodore,	122 S. Front Street.
Justice, William W.,	122 S. Front Street.
Keebler, Godfrey,	264 N. Twenty-second Street.
Keefe, Joseph I.,	35 S. Second Street.

Kerr, Alexander,	Pier 8, North Delaware Avenue.
Kingsley, E. F.,	Continental Hotel.
Kingsley, J. E.,	Continental Hotel.
Kirk, Dr. Edward C.,	1807 Chestnut Street.
Klauder, John H. A.,	195 Huntingdon Street.
Kuhn, C. Hartman,	1712 Spruce Street.
Lea, Arthur H.,	706 Sansom Street.
Lea, Charles M.,	706 Sansom Street.
Lea, Henry C.,	2000 Walnut Street.
Leaming, Thomas,	223 S. Sixth Street.
Lewick, Lewis J.,	113 Arch Street.
Lewis, Enoch,	233 S. Fourth Street.
Lewis, Samuel G.,	1514 N. Fifteenth Street.
Lewis, Theodore J.,	220 S. Fourth Street.
Lindsay, D. S.,	Fortieth and Ludlow Streets.
Lippincott, Charles,	925 Filbert Street.
Little Amos R.,	Aldine Hotel.
Lloyd, William J.,	503 Market Street.
Longstreth, Edward,	1805 Spring Garden Street.
Mac Veagh, Hon. Wayne,	Bullitt Building.
Marston, John,	Bullitt Building.
Martin, Simon J.,	500 Walnut Street.
Martin, Thomas J.,	125 Chestnut Street.
Mason, Richard S.,	140 N. Front Street.
Massey, William,	N. W. Cor. Tenth and Filbert Streets.
Maule, Francis I.,	243 S. Third Street.
McDowell, John A.,	1418 Chestnut Street.
McHenry, James O.,	113 Walnut Street.
McKinlay, Archibald,	Second and Buttonwood Streets.
Mencke, William N.,	804 Arch Street.
Mercer, George Gluyas,	Drexel Building.
Merchant, Clarke,	517 Arch Street.
Merrick, J. Vaughan,	251 S. Fourth Street.
Merrick, William H.,	1012 Filbert Street.

Middleton, H. W.,	945 Ridge Avenue.
Middleton, Merle,	507 Market Street.
Miles, Thomas,	1820 Arch Street.
Milligan, William,	1013 Chestnut Street.
Mohr, James N.,	Bullitt Building.
Monroe, John T.,	438½ Market Street.
Moore, Alfred,	22 N. Seventh Street.
Morris, Evan,	2014 Chestnut Street.
Morris, Dr. J. Cheston,	1514 Spruce Street.
Moss, Lucien,	1631 Chestnut Street.
Muhr, Simon,	629 Chestnut Street.
Newburger, Morris,	714 Market Street.
Neumann, Joseph, . N. W. Cor. Eleventh and Race Streets.	
Patterson, Robert,	Richmond and Otis Street.
Paul, James W., Jr., S. E. Cor. Fifth and Chestnut Streets.	
Perot, T. Morris,	314 Vine Street.
Peters, James,	1934 N. Front Street.
Pitcairn, John,	2008 Spring Garden Street.
Pitkin, Horace W.,	45 S. Second Street.
Platt, Charles,	232 Walnut Street.
Porter, William W.,	623 Walnut Street.
Price, Eli Kirk,	709 Walnut Street.
Purvis, Robert,	1601 Mt. Vernon Street.
Rawle, W. Brooke,	710 Walnut Street.
Read, William F.,	213 Chestnut Street.
Reeves, Francis B.,	20 S. Front Street.
Reeves, Stacy,	1611 Filbert Street.
Reiff, Benjamin,	130 S. Front Street.
Reyenthaler, Emil,	Thirtieth and Market Streets.
Richardson, Charles,	610 Chestnut Street.
Riehle, Henry B.,	Ninth and Master Streets.
Ritchie, C. D., N. W. Cor. Thirty-fourth and Hamilton Sts.	
Ritter, Philip J.,	2154 E. Dauphin Street.
Runk, William M.,	1126 Chestnut Street.

Santee, Charles,	.	.	.	532 N. Sixth Street.
Schwarz, George A.,	.	.	.	1006 Chestnut Street.
Scott, William H.,	.	.	.	229 S. Fifth Street.
Scull, David,	.	.	.	125 Market Street.
Sinclair, William M.,	.	.	.	225 Arch Street.
Sinnott, Joseph F.,	.	.	.	234 S. Front Street.
Smiley, John,	.	.	.	1307 Market Street.
Snyder, W. Fred'k,	.	.	.	Fifth and Green Streets.
Starr, Dr. Louis,	.	.	.	1504 Walnut Street.
Steel, Henry M.,	.	.	.	24 Bank Street.
Stetson, John B.,	.	.	Fourth and Montgomery Avenue.	
Stoer, John F.,	.	.	.	707 Chestnut Street.
Stokes, Francis,	.	.	.	Germantown.
Strawbridge, Edward R.,	.	.	.	801 Market Street.
Strawbridge, Frederic H.,	.	.	.	801 Market Street.
Strawbridge, Justus C.,	.	.	.	801 Market Street.
Stroud, William C.,	.	.	.	500 N. Broad Street.
Struthers, John,	.	.	.	1438 S. Penn Square.
Sullivan, James F.,	.	.	.	410 Market Street.
Supplee, William W.,	.	.	.	503 Market Street.
Swain, Joseph W.,	.	.	.	222 Walnut Street.
Sweeting, T. Henry,	.	.	.	639 Arch Street.
Tatham, Henry B.,	.	.	.	226 S. Fifth Street.
Taylor, Fred. W.,	.	.	.	Germantown.
Teller, B. F.,	.	.	.	601 Chestnut Street.
Thacher, Arthur,	.	.	.	914 Walnut Street.
Thomas, Dr. Charles H.,	.	.	.	1807 Chestnut Street.
Thomas, George C.,	.	.	Fifth and Chestnut Streets.	
Thomas, Dr. J. D.,	.	.	.	912 Walnut Street.
Thomson, Dr. William,	.	.	.	1426 Walnut Street.
Tilge, J. Henry,	.	.	.	306 New Street.
Trout, S. E.,	.	.	.	Germantown.
Tryon, Edward K., Jr.,	.	.	.	10 N. Sixth Street.
Wakelin, Amos,	.	.	.	Bullitt Building.
Walsh, Philip J.,	.	.	.	28 S. Second Street.

Warden, William G.,	Fourth and Chestnut Streets.
Warner, Redwood F.,	Germantown.
Warren, Gen. L. H.,	2027 Delancey Place.
Weaver, John J.,	S. E. Corner Seventh and Filbert Streets.
Wernwag, Theodore,	242 Chestnut Street.
Wheeler, Andrew,	400 Chestnut Street.
Whelen, Edward S.,	1520 Walnut Street.
White, Dr. J. W.,	Twelfth and Chestnut Streets.
Whitney, W. Beaumont,	137 S. Second Street.
Wiley, James,	2640 Kensington Avenue.
Williamson, James,	24 S. Fourth Street.
Wilson, Joseph Lapsley,	410 Walnut Street.
Wood, E.,	1237 Girard Avenue.
Wood, George,	400 Chestnut Street.
Wood, Dr. H. C.,	1925 Chestnut Street.
Wood, Richard,	400 Chestnut Street.
Wood, R. Francis,	220 S. Fourth Street.
Wood, Stuart,	400 Chestnut Street.
Wood, Walter,	400 Chestnut Street.
Wright, James A.,	307 Walnut Street.
Wright, Joseph,	322 Market Street.
Young, William,	1510 N. Fifteenth Street.

ELECTED SINCE ANNUAL MEETING.

William T. Carter,	302 Walnut Street.
James Kitchenman,	Huntingdon and Jasper Streets.
George K. Hubbard,	309 & 311 Market Street.
C. C. Hancock,	N. E. Cor. Fourth and Market Streets.
Jules Wellens,	2145 Howard Street.